

LOUISIANA WILD LIFE AND FISHERIES COMMISSION

---:---

P R O C E E D I N G S

BOARD MEETING

Tuesday, December 17, 1974

9:00 o'clock a.m.

HARVEY CLAY LUTTRELL,
Chairman

Wild Life and Fisheries
Building
400 Royal Street
New Orleans, Louisiana

Kathryn G. Chamberlin,
Reporter.



Helen R. Dietrich, inc.
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130 • (504) 524-4787

P R O C E E D I N G S

. . . The regular monthly Board Meeting of the Louisiana Wild Life and Fisheries Commission was held on Tuesday, December 17, 1974, at 9:00 o'clock a.m., at the Wild Life and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Harvey Clay Luttrell, Chairman, presiding.

PRESENT WERE:

HARVEY CLAY LUTTRELL, Chairman

MARC DUPUY, JR., Vice-Chairman

J. BURTON ANGELLE, Director

DOYLE G. BERRY, Member

JERRY G. JONES, Member

JEAN LAPEYRE, Member

JIMMIE THOMPSON, Member

DONALD WILLE, Member.

A G E N D A

MR. HARRY SCHAFFER

1. Amendment to lease for Lake Charles District Office boat house. (12)

MR. ALLAN ENSMINGER

2. Acceptance of repairs to Rockefeller Refuge (15)



Headquarters Building by Schexneider
Roofing Contractors.

MR. RICHARD YANCEY

3. Advance payment to Ducks Unlimited, \$50,000. (17)
4. Request from Tensas Parish Basin Levee District for permit to alleviate drainage problems on U. S. Highway 28 on Saline Wildlife Management Area. (19)
5. Discussion of Nathaniel Reed's letter dealing with Central Flyway. (23)
6. Resolution adopted by Avoyelles Parish Police Jury. (28)

MR. JOE HERRING

7. Ratify request from Energyline Pipeline Inc., for pipeline crossing on Russell Sage Wildlife Management Area. (36)
8. Oak trees for wildlife project. (38)
9. Acceptance of contract for boat ramp and parking area on Spring Bayou Wildlife Management Area. (44)
10. Accept bids on roads on Three Rivers Wildlife Management Area. (46)
11. Rescind Bucks Hunting Club season set at (49)



November meeting.

(a) Set doe season for Bucks Hunting Club.

12. Request for a doe season in East Carroll Parish. (53)

MR. ROBERT LAFLEUR

13. Request from Corps of Engineers regarding Sabine River Diversion (Toledo Bend) to Calcasieu River. (59)

MR. ROBERT MURRY AND MR. MURRAY WALTON

14. Discussion of preliminary Atchafalaya Environmental Impact Statement. (66)

MR. WILLIAM McCARROLL

15. Policy on annual leave prior to retirement or resignation. (67)

MR. CLAY LUTTRELL, CHAIRMAN

16. Wildlife Agents' supplemental pay discussion. (69)

OTHER BUSINESS

17. Policy on format for all publications. (82)

18. Authorize Chairman and Board Members to attend First Annual Waterfowl Symposium sponsored by Ducks Unlimited to be held in St. Louis, Missouri, in February, 1975. (84)



- 19. Discussion of Pontchartrain Causeway Patrol. (85)
- 20. Election of Chairman and Vice-Chairman. (6)
- 21. Set date for January meeting. (86)

* * * * *

PUBLIC HEARING

Moratorium on size limit of oysters used (86)
in canning.

PUBLIC HEARING

Consideration of adoption of rules, (87;
regulations and guidelines for 118)
guaranteed loan program for
shrimpers.

NOTE:

The following item was added to the agenda at the
time of the meeting.

CHAIRMAN LUTTRELL

Request for pay increases for other (76;
Commission personnel. 116)

ADJOURNMENT

(191)



CHAIRMAN LUTTRELL: Gentlemen, we will come to order. For the record, we have a quorum, with all members present and accounted for.

I want to say we are happy to see so many visitors in the crowd as of this minute. Of course, that might change when we start the hearing. I don't think so. I will ask this. We have a long agenda. Because of some late work that had to be done, we are getting a late start. I will ask each person as he comes to the mike to be recognized by the Chair first, come to the mike, state who you are, who you are representing, and be as brief as possible so that we might get this meeting over with and get some people on the road who have to leave early. Thank you.

Gentlemen, we are ready to start with the regular agenda. Now I have some people who have requested that we change some of the order of this so that they may get on the road. Some of them have to get away early. So, I am going to call for No. 20, election of officers, first. I am going to change this unless there is some serious objection to a little different order. Ordinarily we



elect the chairman first. I would now entertain nominations for vice-chairman.

MR. JIMMIE THOMPSON: Mr. Chairman, I would like to move that we place in nomination Mr. Doyle Berry.

THE CHAIRMAN: You have heard the nomination of Mr. Doyle Berry. Is there another nomination? (No response) We are ready for the vote. Those in favor of Mr. Doyle Berry as vice-chairman, raise your right hands.

(Show of hands)

One, two, three, four. It is carried.

Mr. Doyle Berry, do you have some statement?

MR. MARC DUPUY, JR.: Mr. Chairman, would you call for a voice vote.

THE CHAIRMAN: Call for a voice vote?

MR. DUPUY: Yes, sir.

THE CHAIRMAN: It has been requested by Mr. Marc Dupuy that we have a voice vote. In a case of this sort, the Secretary is asked to call by name each person and each person to vote by name yea or nay.



DIRECTOR J. BURTON ANGELLE: All those in favor -- there was only one nomination, wasn't there, Mr. Chairman?

THE CHAIRMAN: Only one.

DIRECTOR ANGELLE: All those in favor of naming Mr. Doyle Berry as vice-chairman, signify by raising your right hand when called upon. Jerry Jones.

MR. JERRY JONES: As I understand it, there is nobody else?

THE CHAIRMAN: No, nobody else.

MR. JONES: Aye.

DIRECTOR ANGELLE: Don Wille.

MR. DONALD WILLE: Aye.

DIRECTOR ANGELLE: Jimmie Thompson.

MR. THOMPSON: Aye.

DIRECTOR ANGELLE: Mr. Dupuy.

MR. DUPUY: No.

DIRECTOR ANGELLE: Mr. Luttrell.

CHAIRMAN LUTTRELL: Aye.

DIRECTOR ANGELLE: Mr. Lapeyre.

MR. JEAN LAPEYRE: Aye.

DIRECTOR ANGELLE: Six. Six is right.



THE CHAIRMAN: Now, the floor is open for nominations for chairman.

MR. WILLE: I would like to nominate Mr. Clay Luttrell for chairman.

MR. BERRY: I will second it.

THE CHAIRMAN: Any other nominations?
(No response) None. Are you ready to vote?
Let's take this by voice vote also. Mr. Director, will you call the roll?

DIRECTOR ANGELLE: Those in favor of voting for Mr. Clay Luttrell as Chairman of the Commission signify by raising your right hand. I will start on my left. Mr. Jerry Jones.

MR. JONES: As I understand it, we have no other nominations, just Mr. Luttrell, is that correct?

DIRECTOR ANGELLE: That is correct.

MR. JONES: I will vote for him.

DIRECTOR ANGELLE: Mr. Wille.

MR. WILLE: I nominated him. Yes.

DIRECTOR ANGELLE: Mr. Thompson.

MR. THOMPSON: Aye.

DIRECTOR ANGELLE: Mr. Dupuy.



MR. DUPUY: No vote.

DIRECTOR ANGELLE: No vote?

MR. DUPUY: No vote.

DIRECTOR ANGELLE: Mr. Berry.

MR. BERRY: Aye.

DIRECTOR ANGELLE: Jean Lapeyre.

MR. LAPEYRE: Aye.

THE CHAIRMAN: Thank you, gentlemen.

I hope to work with all members of the Commission next year in the same manner, good cooperation and friendliness. I hope to earn the right of respect for the position of Chairman from all the professional staff.

Let me assure you that any mistake that I might make, whether it deals with a personal problem or a state problem or any other kind of problem, will be a mistake of the head, not of the heart. Gentlemen, no person is infallible but I can assure you of one thing, that no one will work harder, with more sincerity, and with less personal desires for the betterment of this Commission than I will, and I appreciate this honor that will go down as a pleasant memory for my posterity, my



children and my grandchildren. I consider it a tremendous honor to work with people of the status of our professional staff, people with the dedication of our Director, people who will give of their time as our members of the Board, and through my sincere effort and their conscientious endeavors, may this State be what it one time said on the license plates, the hunter's paradise of the nation.

We have here a unique situation. Perhaps sixty percent of the entire wetlands of the nation are in Louisiana. Hunting, fishing, commercially and for sport, are a great part of the economy of this state. As our natural resources deplete themselves, oil, gas, salt, timber, with proper functioning of this Commission, the one natural resource that will not deplete itself will be wildlife and fisheries.

Through the Tourist Commission and others, this Commission, by its very function, if it can become less politicalized, and more professionalized, can be the saving of our state's economy. It can make the State of Louisiana take its rightful place



in the sun.

Thank you for this honor.

We are now ready for the first part,
No. 1, Harry Schafer.

MR. HARRY SCHAFFER: Mr. Chairman and Members of the Commission, as you know, we are in the process of constructing a boat house behind our present District office in Lake Charles and we need an amendment to our present lease with the City of Lake Charles.

The City of Lake Charles has forwarded an amendment to the present lease to us. I have had Mr. Peter Duffy check it over and he assures us that it is a routine lease, a standard lease, and I would recommend that the Board approve this amendment to the present lease and authorize the Director to sign this lease.

MR. JONES: Mr. Chairman, I think there is one thing about the lease that is not intentionally left out, but this is a lease where the lessor is putting up the money. The City of Lake Charles I think is putting up in excess of \$3,500 and the reason is that they are modifying the boat



house that we are building. The City owns a boat and it was too big to fit into the stall, so the City is paying to increase the size of the stall.

I wanted to say that so if any of you visited the boat house and you saw the City of Lake Charles boat in there, they are paying their way. They are paying to increase the size of the stall.

I move we approve the lease.

MR. THOMPSON: Second.

THE CHAIRMAN: It has been moved by Jerry Jones, seconded by Jimmie Thompson, that we approve the lease. How do we vote? All in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, the Louisiana Wild Life and Fisheries Commission, on December 1, 1966, did lease a certain



portion of land from the City of Lake Charles for a period of ninety-nine (99) years, for the purpose of establishing and constructing a Commission District Field Office, and

WHEREAS, it would enhance Commission activities and operations if boat housing facilities would be established at the same location,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant approval and agree to enter into an amendment of that lease between the City of Lake Charles, Louisiana, and the Louisiana Wild Life and Fisheries Commission (bearing File No. 1038104 of the Records of the Parish of Calcasieu, Louisiana) for an additional area in order to increase that portion of land to include an adjacent area for the establishment of boat housing facilities.



BE IT FURTHER RESOLVED that
the Director be and is hereby authorized
and empowered to sign any and all documents
in connection therewith.

MR. SCHAFER: Thank you.

THE CHAIRMAN: O. K. Mr. Ensminger.

MR. ALLAN ENSMINGER: Mr. Chairman and
Gentlemen of the Commission, I have one item for
your consideration this morning, which is the
repairs to five of our Rockefeller Refuge buildings.

NO HIATUS HERE.

CONTINUED ON

PAGE 16.



on the refuge. This constitutes roof repairs to the buildings. The work has been completed and I would recommend that you accept the repair work so that we can put the contractor in line for payment.

MR. BERRY: So move.

MR. JONES: Second.

THE CHAIRMAN: Moved by Mr. Berry, seconded by Mr. Jones. Is there any discussion? Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, work called for under DA Purchase Order No. 393998 for the repairs to five building roofs on facilities at the Rockefeller Wildlife Refuge has been completed, and

WHEREAS, this work is completed in accordance with specifications called



for on the purchase order,

NOW THEREFORE BE IT RESOLVED
that the Louisiana Wild Life and Fish-
eries Commission does hereby accept the
work called for on the purchase order
and authorizes the Director to sign all
documents pertaining to this matter.

THE CHAIRMAN: All right, Mr. Yancey.

MR. RICHARD YANCEY: Mr. Chairman and
Members of the Commission, during the 1974 legis-
lative session, a bill was enacted which provided
that ten percent of the revenue from the sale of
the basic hunting licenses in Louisiana would be
used for purposes of maintaining waterfowl breed-
ing ground areas, and it has been customary for the
Commission to make this allocation to Ducks
Unlimited in order that they may spend this money
to maintain and develop and preserve waterfowl
breeding ground areas in the prairie provinces of
western Canada that contribute ducks to Louisiana.

We would like to recommend at this time
that an advance payment of \$50,000 be made to Ducks
Unlimited on the sale of the 1974-75 basic hunting



licenses. It was suggested that when this check is made up that it be presented by our Commission Chairman and other Board members to Herman Taylor, who is national president of Ducks Unlimited and lives in Natchitoches, and I believe Mr. Fontenot in Morgan City, and there would be a certain amount of publicity given to that. Is that the way you wanted this handled?

MR. BERRY: Yes, sir. I talked to Mr. Fontenot this morning. He called me up pretty early. Is there some kind of DU meeting in Kansas City, say some time in March or May, that you know of?

MR. YANCEY: There is a symposium that is going to be held in St. Louis sponsored by Ducks Unlimited in early February.

MR. BERRY: I am familiar with that one. Is there any other one that you know of, Dick?

MR. YANCEY: They normally have their annual meeting in March. I don't know where it is going to be held this year, though.

MR. BERRY: Jesse suggested they were going to have one in I think Kansas City, I think



sometime in March, and that the other states would be present then. They usually present a check for \$2,000 or \$3,000 from here and yonder, and he wanted Louisiana to present a large check at that time, at that meeting, to make sure that we are recognized as the No. 1 contributor to Ducks Unlimited throughout the United States.

THE CHAIRMAN: That could be handled very easily. Mr. Berry, if the check was presented to Mr. Taylor here in central Louisiana and you got the publicity that you need for Louisiana, and then he presented it to Ducks Unlimited at their annual meeting, would that work?

MR. BERRY: I don't want to take up a lot of time. Dick can just talk to Jesse and work out something.

MR. YANCEY: We can handle it along the lines that you all discussed yesterday at this time, within the next two weeks.

MR. JONES: I move we make the payment.

MR. BERRY: Second.

THE CHAIRMAN: It has been moved by Mr. Jones, seconded by Mr. Berry, that we accept the



recommendation of Mr. Yancey.

MR. JONES: Make the payment.

THE CHAIRMAN: Yes, make the payment.

That was his recommendation, was it not? You recommended that, Dick?

MR. YANCEY: Yes.

THE CHAIRMAN: That we make an advance payment. Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

WHEREAS, the Louisiana Revised Statutes provide for the allocation of a portion of the annual hunting license revenue to be used for the development, maintenance and preservation of marshlands and other habitat productive of migratory waterfowl; and

WHEREAS, Ducks Unlimited, Inc.,



a private conservation organization, is actively engaged in carrying out a program to develop, maintain and improve highly productive waterfowl marshes in western Canada where ducks are produced that winter in Louisiana,

NOW THEREFORE BE IT RESOLVED that an advance payment of \$50,000 on the 1974-75 hunting license sales be made to Ducks Unlimited, Inc., with the stipulation that these funds shall be used for waterfowl habitat development and restoration in the prairie provinces of western Canada; and

BE IT FURTHER RESOLVED that Ducks Unlimited, Inc. provide this Commission with a detailed report on the projects upon which these funds are expended.

MR. YANCEY: We have a request from the Tensas Basin Levee District that they be permitted to excavate a small drainage ditch down through a portion of the Saline Wildlife Management Area in



LaSalle Parish. This ditch would be in connection with draining water from an area that is being ponded along Highway 28 as a result of the construction of the ring levee around Catahoula Parish and a portion of LaSalle Parish. That construction work is in progress now. As a result of the fact that the culverts along Highway 28 are being plugged, water is now ponding on some private land along Highway 28 and also on the Saline Wildlife Management Area, so it is in the interest of the Game Management Area to see that this work is done.

They describe in their letter the fact that they will pay the cost of the work and they will also pay the cost of any future maintenance work to prevent this water from being ponded in this area. Right at the present this water is actually a part of the Hunt Oil Company road where it leaves Highway 28 and this is the main access route that we have into the Game Management Area.

We would recommend that the Commission give them this permit to do this work, with the stipulations, of course, that they maintain that



fence, that livestock-proof fence that we have, intact at all times during the construction period and also that they provide at least one bridge or culvert-type crossing across this ditch so that we won't have an access problem into this particular area. We would recommend that the Commission go ahead and give them the permit to do this work.

We looked at the situation up there last Wednesday and there is no question but what we have a pretty serious problem that is in need of some immediate alleviation.

THE CHAIRMAN: You have heard the recommendation. Do we have a motion?

MR. DUPUY: I so move.

MR. BERRY: Second.

THE CHAIRMAN: It has been moved by Mr. Dupuy, seconded by Mr. Berry. Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered. No. 5, please.

MR. YANCEY: At the last meeting of the



Commission, it was brought to your attention that we had received a letter from the Interior Department that stated that they would not be able to make a decision on Louisiana's request for transfer to the Central Flyway for waterfowl management purposes by June 15, 1975.

We had been told at the meeting that we attended in Washington on August 5 that they would make that decision by that time, which was about the latest date that a decision could be made in time for the setting of the 1975-76 waterfowl hunting regulations.

Following last month's Board meeting a wire was sent to the Interior Department and telephone conversations were held with some of the people up there about the fact that they had told us one thing on August 5 and then we had received something else in this letter that was received just prior to the last Board meeting. We asked that they reconfirm what they had told us at the August 5 meeting, which was that they would make a decision on Louisiana's request prior to the setting of the 1975-76 waterfowl hunting regulations.



Just two days ago we did receive a letter signed by Nat Reed, Assistant Interior Secretary, which states that he wishes to confirm that they will reach a decision on Louisiana's flyway alignment early in 1975 so that if a change is called for, it can be implemented by the time the 1975-76 waterfowl hunting regulations are established. So, they have confirmed in writing now what they told us in the meeting in August 5. Hopefully, this will satisfactorily resolve this situation, at least for the moment.

MR. BERRY: Dick, I would like to commend you and the Director and others on the staff who have really stayed after this thing and been aggressive and have gotten to this point at this particular point in time. I know it has been difficult and that it has been a long, hard fight. This is another promise. We have been promised things in the past but maybe this will come to fruition and we might actually get a change.

MR. YANCEY: Well, persistence seems to be the only thing that pays off on these things.

MR. BERRY: They have got to give you



credit for being persistent. I am sure Mr. Reed would agree with me on that.

THE CHAIRMAN: And we have got to give him credit for having good judgment and asking for those things that are right and reasonable, and I think we are going to finally prevail.

MR. YANCEY: This doesn't call for any Commission resolution, but we thought that since it had been discussed at this month's meeting we should bring to your attention what has transpired since then.

MR. DUPUY: Mr. Reed has not said that Louisiana would be placed in the Central Flyway, only that they would consider changes before or in time to set the 1975-76 seasons, isn't that correct?

MR. YANCEY: That is right. We are fairly optimistic that some sort of change is going to be made. We do know that they are looking into the possibility of leaving part of Louisiana in the Mississippi Flyway and transferring the other part of Louisiana to the Central Flyway. They mentioned the fact that consideration was being given to transferring only that part of the state that lies



south of Highway 190 and west of the Mississippi River to the Central Flyway and we told them that, of course, that would be totally unacceptable.

From the biological standpoint, the ducks that use the extreme northeast corner of Louisiana are Mississippi Flyway birds. We would not have any biological argument if they decided to leave that part of the state in the Mississippi Flyway because those are 100 percent Mississippi Flyway birds, and this is pointed out in the Belrose report, but to take any other part of Louisiana and leave it in the Mississippi Flyway would not be in conformance with the data that we have on hand at this time.

We are fairly optimistic that some change is going to be made, that it is just a matter of where the line is going to be drawn. Either the whole state is going to be transferred or possibly a small part of it will be left in the Mississippi Flyway.

THE CHAIRMAN: Dick, I don't think it would be remiss to make the statement that other things are in the working that will I think encourage



those people to make a decision in accord with what Mr. Yancey has been working on all the way through. As he says, I am very optimistic that we will get pretty well what we have been asking for this coming year. I believe that.

MR. YANCEY: We have the biological data to substantiate the request that we made, and they have been unable to come up with any data that contradicts what has been presented. Certainly they have scrutinized this information that has been submitted to them over the past year and a half or two, and up until this point nothing has been brought out that contradicts this information that has been submitted to them, except as it relates to northeast Louisiana. That is the extreme part of the state where we would have to acknowledge that the birds are 100 percent Mississippi Flyway ducks.

THE CHAIRMAN: Thank you, Dick. We are ready for No. 6.

MR. YANCEY: I believe Mr. Dupuy wanted to cover that.

MR. DUPUY: In line with theme of



persistence that has been mentioned, before we received the letter from Nathaniel Reed, apparently clarifying his prior letter of November 25, on December 10 I appeared before the Avoyelles Parish Police Jury in an effort to get some support from our police jury to support this Commission with regard to its efforts to get the Secretary of the Interior to act promptly on our request for realignment with the Central Flyway.

On December 10 the Avoyelles Parish Police Jury unanimously passed the following resolution:

"WHEREAS, the Louisiana Wild Life and Fisheries Commission has been trying for several years to become aligned with the Central Flyway within the migratory duck flyway alignment of states, and

"WHEREAS, the Commission's request for fair treatment is based upon the biological soundness of its request and is strongly supported by sportsmen and conservationists; and

"WHEREAS, proper management of



species is based and dependent upon the distribution, migration and harvest of waterfowl; and

"WHEREAS, the United States Department of the Interior has sufficient information, facts, data, studies, reports and evidence already known and available to it upon which it can develop proper flyway boundaries; and

"WHEREAS, this available data has been assembled over a period of years, supplied by the State of Louisiana, by Ducks Unlimited, by independent professional people, and by the Department's own technical staff; and

"WHEREAS, in a meeting on August 5, 1974, Mr. Nathaniel Reed, Assistant Secretary for Fish and Wildlife of the Department of the Interior, promised the Louisiana Wild Life and Fisheries Commission that flyway boundary changes would definitely be made in time for setting



the 1976-76 waterfowl hunting regulations; and

"WHEREAS, in a recent letter dated November 25, 1974, Mr. Reed has now expressed doubt that such a change could be accomplished in time for next year's season; and

"WHEREAS, no justification exists for further unreasonable delays in complying with Louisiana's request;

"NOW THEREFORE BE IT RESOLVED that the Fish and Wildlife Service of the United States Department of the Interior be requested to honor its commitment to the Louisiana Wild Life and Fisheries Commission, and to the sportsmen and conservationists of this country, and to make the flyway boundary changes necessary to align Louisiana within the Central Flyway in time for the establishment of the 1975-76 waterfowl hunting regulations.

"BE IT FURTHER RESOLVED that



copies of this resolution be sent to the Secretary of the Interior, the Louisiana Congressional Delegation, Governor Edwin W. Edwards, the Louisiana Wild Life and Fisheries Commission, the Louisiana Wild Life Federation, and Ducks Unlimited, Inc."

Mr. Chairman, the original of this resolution was transmitted to Mr. Angelle.

THE CHAIRMAN: Do you want to move that we adopt this, Mr. Dupuy?

MR. DUPUY: Mr. Chairman, this was a resolution of the Avoyelles Parish Police Jury. I don't think we have to take any action on this.

THE CHAIRMAN: No. Thank you, Mr. Dupuy.

DIRECTOR ANGELLE: I would like to make a recommendation that we get the Secretary of the Avoyelles Parish Police Jury to maybe ask the other juries throughout the state of Louisiana to adopt a similar resolution, with copies to the powers that be. There are a lot of people interested in this and this would be a real strong --

MR. DUPUY: I think the other Commission



Commission members could ask their respective police juries to take such an action as I went before my police jury to do, and we certainly can ask the Avoyelles Parish Police Jury to ask the Police Jury Association to take that same step.

THE CHAIRMAN: Gentlemen, I want to make a remark in the way of a reminder. As I read the minutes of the meeting that Mr. Yancey and Mr. Jones and different ones had with Nat Reed and Greenwalt in Washington recently, one of the things that they objected to, I believe the letter stated and I have forgotten which man stated it, that he was appalled by the amount of pressure that was put on them to make this change, and because of this pressure he would not be able to recommend it certainly to be made.

Now we have to be very careful. This thing is moving along very well and it looks like Mr. Yancey is going to be successful. I am not opposing anything. I am trying to constructively put in the proper order those things that might help us to get into the Central Flyway and those things that might prevent it. I wish you would



think it over before we apply any more pressure up there.

Am I right in making that statement? Who made that statement, Dick, that he was appalled by the amount of pressure that was being put on him?

MR. YANCEY: Nat Reed.

THE CHAIRMAN: Nat Reed made that and said he could not recommend this move under those circumstances.

MR. WILLE: I think we ought to put more pressure on him.

THE CHAIRMAN: I just wanted to bring that to your attention so you could think about it.

MR. DUPUY: This is a resolution by the Avoyelles Parish Police Jury supporting this Commission.

MR. YANCEY: Right. I see no reason why we shouldn't send on to them the viewpoints of anyone in the state. Of course, when Reed made this statement, we took immediate issue with him because he was dead wrong in what he said at that particular point. Originally the procedures under which this proposed change was to be developed were outlined by their Department, and we went right



down the line with this thing, and at no time was there any pressure ever applied until it reached the point where they were just adamant in their decision with no scientific basis for not making the decision. Had they come up with any biological information that would have led us to believe that our findings were wrong, then we would have dropped the issue there, but they didn't; they just said that no change was going to be made, and at that point, of course, everybody did begin to apply some pressure. He was just completely wrong in his statement that he made at that particular meeting and we contradicted him immediately when he said it and he didn't pursue the subject any further after we did that.

THE CHAIRMAN: Thank you, Dick. Gentlemen, our biologists are the men in our organization with the expertise and if he thinks we should keep applying the pressure, then that is what I favor, whatever the biologists say on this thing. Is it necessary to take any action? If not, then we are ready for the next item. Joe Herring. No. 7.

MR. JOE HERRING: Thank you, Mr. Chairman.



The first item we have is for ratification of Energy Pipeline Corporation, which has requested a 25-foot right-of-way on our Russell Sage Wildlife Management Area for the purpose of laying an 8-5/8 inch pipeline.

The Energyline Pipeline Company will bury this line to a depth of 36 inches and has agreed to mow the line at least once annually. They also agree to pay the regular right-of-way fee that we charge normally for oil companies and others crossing our areas, which would be \$10 per rod for 297 rods, which would be \$2,970, and also pay for all timber damages that are done on the area.

I recommend that we approve this.

THE CHAIRMAN: You have heard the recommendation.

MR. LAPEYRE: So move.

MR. WILLE: Second.

THE CHAIRMAN: Moved by Mr. Lapeyre, seconded by Mr. Wille. Is there any discussion? Those in favor, say aye.

IN UNISON: Aye.



THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

WHEREAS the Energyline Pipeline,
Inc. has requested a right-of-way on the
Russell Sage Wildlife Management Area for
the purpose of laying an 8-5/8 inch pipe-
line;

WHEREAS this request is for
a 25-foot right-of-way for a distance
of 297 rods;

WHEREAS the Energyline Pipe-
line Company will bury the line to a
depth of 36 inches and said line will
be mowed at least once annually;

NOW THEREFORE BE IT RESOLVED
that the Louisiana Wild Life and Fish-
eries Commission grants to the Energy-
line Pipeline, Inc. a 25-foot right-
of-way under the following stipulations:



- (1) That the company pay the established rate of \$10 per rod for a price of \$2,970.00;
- (2) That this company pay for damages to timber in the amount of \$367.00 for a total cost of \$3,337.00, plus any additional timber damages outside of this right-of-way;
- (3) That only one pipeline be constructed on this right-of-way;
- (4) That the line be buried to a depth of 36 inches;
- (5) That the right-of-way be mowed at least once annually.

MR. HERRING: Mr. Chairman, the next item we have is a project, Oak Trees for Wildlife, you might say. Since we know oak trees and acorns are of major importance to wildlife in Louisiana, and in many areas of the state now some of the prime



species of oaks are being destroyed by agricultural clearings, by timber stand improvement programs, and for other reasons, in the past few years the Louisiana Wild Life and Fisheries Commission has worked in conjunction with the Louisiana Forestry Commission who raises oak seedlings for us and we plant these on our own wildlife management areas throughout the state.

There has been an increase in interest in oaks in the last few years, and so with this interest we have received from 4-H Clubs, Boy Scouts and others requests for oak seedlings for planting. From this then it has been thought that we would go into a project of Oaks for Wildlife. I would like on this just to ask Mr. Angelle for some further comments on things he has received on this program.

DIRECTOR ANGELLE: Mr. Chairman and Members of the Commission, at Mr. Herring's request for additional comments on that, after we put out this news release last week I have already received about thirty pieces of inquiry about how many these club members can get, individual landowners, and



they want anywhere from 10 to 500 seedlings, and I think we have got a real good program going. As I said yesterday in the informal meeting, there are many, many times that we are very critical of the people that are destroying our bottomland hardwoods, and they are being destroyed, and 20 years from now you are not going to have any. If we just lay idly by and do nothing about it, I think maybe we are within that same group. I think if we can get this program off the ground and probably accelerate it within the next few years that 20 years from now maybe our children will have a place to go out and hunt a few deer and quail and squirrels because I believe there will be some food habitat available for these species.

As you know, 20 years from now you are not going to have any bottomland hardwoods available unless they are available in game management areas. I think if the Commission will go into this program, go all out and work with the Forestry Commission along with whatever they can produce for us, and maybe we can develop our own nursery area and try to at least have about half a million to



a million of these oak seedlings available on a yearly basis, available to different people in the state. I think a lot of children in the future will appreciate our efforts today and tomorrow and the years ahead.

I strongly recommend that this program be initiated immediately and accelerated.

THE CHAIRMAN: Gentlemen, you have heard the recommendation and the discussion. Do I have a motion?

MR. DUPUY: I so move.

MR. LAPEYRE: Second.

THE CHAIRMAN: Mr. Dupuy moves, Mr. Lapeyre seconds. Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

DIRECTOR ANGELLE: Would you like to read that? I think we need to adopt a resolution for the record.

MR. DUPUY: Mr. Chairman, I would like to offer the following resolution for this Com-



mission to institute an Oaks for Wildlife project:

WHEREAS, oak trees are of major importance to wildlife as a source of highly nutritious and concentrated food, as well as some species providing escape and nesting cover, and

WHEREAS, a variety of oaks are important in the habitat of wildlife, and

WHEREAS, the Louisiana Wild Life and Fisheries Commission is very interested in perpetuating and properly managing this important wildlife food source, and

WHEREAS, the Louisiana Wild Life and Fisheries Commission will make seedlings available to individuals or groups interested in planting oaks;

THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission establish a program known as "Oaks for Wildlife" and supply seedlings to individuals and groups.



THE CHAIRMAN: Thank you, Mr. Dupuy. The Commission has already gone on record, has voted to accept and adopt this program.

I want to add one thing in the way of a by-line. I noticed that Mr. Angelle said that these things would help squirrels and deer and quail, but he left out one important thing. They will help turkeys but, listen, I am competing with a bunch of striped oak acorns right now at my duck blind. Ducks like them, too! I don't quite know what I am going to do, move my duck blind under the oak tree or vote against planting more oaks!

But, gentlemen, this program will help everything.

DIRECTOR ANGELLE: We could also include the mallard ducks and the wood ducks. They also eat them.

THE CHAIRMAN: They do. That is what I am saying, I am competing with a dog-gone bunch of acorn trees now for the duck season!

MR. DUPUY: You will have to quit planting acorns at this time of the year in front of your duck blind now, you understand!



THE CHAIRMAN: That's a good idea. Mr. Director, can I get a few of those to plant?

DIRECTOR ANGELLE: I understand there are some federal agents in here in plain clothes that were listening to that!

THE CHAIRMAN: So much for that. I think it is a wonderful program and I hope that the state will get behind it. All indications are that they are going to accept it with maybe more enthusiasm than we can supply. Joe, No. 9, please.

MR. HERRING: Thank you, Mr. Chairman. The next item we have pertains to the Spring Bayou boat ramp. We have been notified by the Louisiana Department of Public Works as our engineering agency that Ray's Construction Company of Marks-ville has completed the boat ramp and they have met all of the specifications and requirements as called for in the contract. I have also contacted our personnel living on Spring Bayou, Mr. Gail Owens and Donald Blaflier. I talked to them last night and the boat ramp has been completed and to their knowledge, too, it has met these specifications. I would recommend to the Commission that



we accept it at this time. The sportsmen have already starting using the area.

MR. DUPUY: I so move.

MR. THOMPSON: Second.

THE CHAIRMAN: You have heard the recommendation. It has been moved by Mr. Dupuy, seconded by Mr. Jimmie Thompson. Is there any discussion? No discussion. Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, the Department of Public Works has certified that Ray's Construction Company of Marksville has completed the construction of the boat ramp and parking area on the Spring Bayou Wildlife Management Area, and

WHEREAS, the Department of Public Works has recommended that the



work be accepted, and

WHEREAS, to meet all legal requirements the acceptance must be filed with the Recorder of Mortgages in Avoyelles Parish,

THEREFORE BE IT RESOLVED that the work done by Ray's Construction Company be and is hereby accepted.

THE CHAIRMAN: Ten, please, Joe.

MR. HERRING: Mr. Chairman, the next item pertains to road repairs on our Three Rivers Wildlife Management Area.

In the past we have gone out on some bids and have not accepted them. However, this is work pertaining to the 1973 floods and all of the work on there will be paid for by the Federal Disaster Assistance Administration. We have received bids once again through the Highway Department and the only bid received was \$61,460. This was from Merrick Construction Company of Cottonport, Louisiana. This is an overrun of \$22,335 as set up by the Federal Disaster Assistance Administration. However, we have contacted them and they have told



us that we have had underruns on some other projects, and since we have had underruns on their estimates on other projects, that they saw no reason why we could not have approval on this.

With this statement from them, I would recommend to the Commission that we go ahead and accept this bid from Merrick Construction Corporation in the amount of \$61,460, contingent upon our obtaining in writing a letter from the Federal Disaster Assistance Administration that this would be approved. I so recommend on that basis, Mr. Chairman.

THE CHAIRMAN: You have heard the statement and recommendation. Do I have a motion?

MR. LAPEYRE: So move.

MR. JONES: Second.

THE CHAIRMAN: Moved by Mr. Lapeyre, seconded by Jerry Jones. Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

(The full text of the



resolution is here made
a part of the record.)

WHEREAS, the Louisiana Department of Highways has received bids for repairs to roads damaged by the 1973 and 1974 floods on the Three Rivers Wildlife Management Area (Concordia Parish) and

WHEREAS, only one bid of \$61,460 was submitted, this by Merrick Construction Corporation, P. O. Box 483, Cottonport, Louisiana, and

WHEREAS, this being a Federal Disaster Assistance Agency project and only \$39,125 has been approved by the FDAA resulting in a \$22,335 overrun, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission is in the process of obtaining approval of this overrun, and

WHEREAS, the local Civil Defense Office who administers the FDAA projects has indicated that this will not be a major problem as the



Commission has had underruns on another project on this area,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission accepts this bid by Merrick Construction Corporation in the amount of \$61,460 and authorizes the Director to award the contract contingent on obtaining written approval from the Federal Disaster Assistance Agency.

MR. HERRING: Thank you, Mr. Chairman. The next item pertains to an any sex deer season in Pointe Coupee Parish. At the last Commission meeting we did receive a request from the Bucks Hunting Club for a 13-day any sex season on their club area. However, at that time they informed us that their club consisted of some 23,000 acres in size and it was a request that did come in from several individuals on Monday morning and we did not have time to actually check the club out.

However, we did write them and ask them to furnish us a description of the club area and



from this then we found out that they only had 1,800 acres of club lands.

We therefore contacted Mr. Clarence V. Doucet, who is the club secretary-treasurer, and Mr. Curtiss Stelly, who is a member, and one who had contacted us, and advised them that the size of the area had been misrepresented and that we would recommend that they have a two-day season on this area. They were in agreement with this.

I so recommend, Mr. Chairman, at this time that this season be recommended for two days, December 21 and 22, instead of 13 days as originally planned.

THE CHAIRMAN: Gentlemen, you have heard the recommendation and I, as chairman, will offer the motion to accept the recommendation. Do I have a second?

MR. JONES: Second.

THE CHAIRMAN: Seconded by Mr. Jones. Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

MR. DUPUY: No.



THE CHAIRMAN: You are outvoted, Mr. Dupuy.

MR. DUPUY: I know that.

THE CHAIRMAN: So ordered.

MR. DUPUY: Mr. Chairman, I suggest to you that we have rescinded the resolution of the Bucks Hunting Club that we passed last month. Now if you are going to take the next step to set the doe season, you had better do it in a separate motion.

THE CHAIRMAN: Well, really I considered, and the Board may overrule me, but I considered that the recommendation and the vote was for both, the rescinding of the previous season and the setting of a new one. Is that the way you recommended, Joe?

MR. HERRING: That was the way it was recommended, yes, Mr. Chairman.

THE CHAIRMAN: I believe we took care of that in one vote.

MR. DUPUY: Please let the record show that I vote no.

THE CHAIRMAN: Yes.



(The full text of the resolution is here made a part of the record.)

WHEREAS, at the last Commission meeting a 13-day any sex deer season was requested by the Bucks Hunting Club, and

WHEREAS, they misrepresented the size of their club as being 23,000 acres and was found to be only 1,800 acres in size, and

WHEREAS, Mr. Clarence V. Doucet, Club Secretary-Treasurer, and Mr. Curtis Stelly, member, have been contacted and advised that only two days would be recommended due to size of the area,

NOW THEREFORE BE IT RESOLVED that the Bucks Hunting Club, on land described as: Beginning at the east levee of the Morganza Floodway on Section South line 26, then westwardly along section line to west line of Section 82, then northerly along



Section lines 26 through 19, then westerly along south line of Section 75 and 76, then north along west line of Section 76 to North line of Section 76, then easterly along North line of Section 76 and 75, then southerly along East line of Section 75 to Section 19, then easterly to east Morganza Floodway levee, then southerly along levee to the point of beginning, all being in T-5-S, R-8-E, Pointe Coupee Parish, consisting of approximately 1,800 acres.

THE CHAIRMAN: Number 12, Joe.

MR. HERRING: The next item, we have received a request from the East Carroll Police Jury for a three-day any sex season in a portion of that parish. They are requesting that this be the first three days, December 21, 22 and 23.

The area described is all property within and bounded on the north by Louisiana Highway 582, bounded on the east and south by Louisiana Highway 134, and bounded on the west by Bayou Macon, all within the Parish of East Carroll.



Now this request is being made because of some large land clearing operations going on in this area. We have contacted our District personnel in District II and they so recommend that we go along with this request because it will be crowding some deer into smaller areas there. Our District personnel also tell us that there are a few bears in this area, which are some of the old original bears, and that they will be trying to trap some of those out.

With this land clearing operation in this portion of the parish, I would recommend to the Commission then for better deer management there to go ahead and grant East Carroll Parish this three-day season.

THE CHAIRMAN: Joe, these are facts that were brought out after we had made the original setting of the season?

MR. HERRING: The original setting of the season, right. This is happening now and they will be doing the land clearing now, so it is actually pushing deer from some of the forested areas that will be cleared into smaller areas which will



not, which will be compacting our deer herds, such as has happened in many other areas of the state.

THE CHAIRMAN: Gentlemen, these conditions make this request reasonable and I would recommend that someone move for the adoption of the recommendation. Do I have a motion?

MR. WILLE: Motion.

THE CHAIRMAN: It has been moved by Mr. Wille that we adopt the recommendation of Joe. Do I have a second?

MR. LAPEYRE: Second.

THE CHAIRMAN: Seconded by Mr. Lapeyre. Is there any discussion?

MR. DUPUY: Yes. I don't believe irreparable damage will be done to the deer population. I don't think it is necessary that we kill the deer just because there is supposedly some land clearing operation that will be done next year, and I think that we can, in fact there is no land clearing operation that is happening now, and causing a critical problem that may require immediate action. This season was set by the recommendations of the biological staff after long and serious



consideration by the Commission, and it is in published form in our regulations which were duly adopted, and I think we are making a mistake in changing the regulations, and I want to be recorded as voting no.

THE CHAIRMAN: Is there any other discussion? Jerry.

MR. JONES: Well, you know we have said so many times that after we make the regulations we ought not change them, but it is a little different here. We are not restricting hunting. We are providing another hunting opportunity. I think, for example, of the 15-year old kid who goes out and hunts and says, "Well, I can't shoot that doe now because the seven members of the Commission sitting in New Orleans say I can't shoot it now, although the biologists said you ought to let them shoot them, you have got them there, and biologically it is the right thing to do."

How can we justify not giving them that opportunity merely because we have published a pamphlet? It doesn't make sense. And I hate to change regulations, but when the change is going



to provide more opportunity for someone, I see no reason why we have to be like the U. S. Fish and Wildlife Service and say we just don't do that because we don't do it. It doesn't make sense. That's all.

THE CHAIRMAN: We have a motion and a second. Is there any other discussion? If there is no further discussion, those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

MR. DUPUY: No. Let the record show that I voted no.

THE CHAIRMAN: Three for, one against. The Chair votes aye. So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, a request has been received from the East Carroll Parish Police Jury for a three-day any sex deer season in that parish, and

WHEREAS, this request is for the first three days of the second



season, December 21-23, 1974, and

WHEREAS, the area is described as: All property within and bounded on the north by Louisiana Highway 582, bounded on the east and south by Louisiana Highway 134, and bounded on the west by Bayou Macon, all within the parish of East Carroll, and

WHEREAS, in the past we have received crop damages in this parish, and

WHEREAS, the Commission District personnel also recommend a three-day any sex season due to land clearings in this area that will crowd the deer population,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission approve this request for a three-day any sex deer season December 21-23, 1974, in the described area for better management of the State's deer lands.

THE CHAIRMAN: Mr. Lafleur.



MR. ROBERT LAFLEUR: Mr. Chairman, my comments here will address themselves to a letter that Mr. Angelle received from Mr. Roy Aguiard, Director of the Department of Public Works, and attached to that letter was one from the colonel, Colonel Heiberg of the Corps of Engineers in the New Orleans District, asking for a coordinated view and the Department of Public Works, being that state agency at the state level doing the gathering of the coordinated view of the state agencies.

The two state agencies involved here were, one, the Stream Control Commission, and secondly, the Louisiana Wild Life and Fisheries Commission. Because of some of the discerning questions on the part of some of the astute members of this Commission yesterday afternoon -- there were some rather penetrating questions asked -- the answers were not forthcoming and they were not available in the correspondence that was forwarded to us. As a result, I have been in contact with several members of the Department of Public Works for a clarification of the letter.

It turns out that the thrust of the



thinking on the part of the man who wrote the letter requesting the views was not so much the water diversion from the Sabine River but rather the operation of the salt water barrier just below the mouth of the Houston River or the west fork of the Calcasieu on a year-round basis rather than from January through October or September of each year.

The use of the barrier is only one aspect of the total water diversion from the Sabine River. The comments that I had included in a letter to be signed by Mr. Angelle, to be directed to Mr. Aguiard, remain pretty much as they were, and I think to answer the question of -- I don't see him there -- of Mr. Jimmie Thompson, there will be no flooding, there will be no areas of ground, soil, left high and dry. The canal which will supply this water and the water supplied will come either from the Sabine River or from the upper end of the Houston during flood conditions, and that only as a supplemental supply would be routed through this canal. The canal does not go all the way through from the Sabine River to Lake Charles but rather



only a part of the way and then pipelines would pick it up at that point, some place near Sulphur, as I understand it, and be supplied to the industry at a cost.

My recommendation, my suggestion to you is that with respect to the Stream Control Commission's position on this matter, it pretty much remains the same as it was in a letter that I had prepared for Mr. Angelle's signature. However, I would strongly recommend to you that since there is no apparent need for hurry in getting a view from the coordinated agencies, the other one in this case being the Wild Life and Fisheries Commission, that this matter insofar as the Wild Life and Fisheries is concerned, the benefits or ill effects of this water, or rather the operation of the salt water barrier, be left for some time for consideration by perhaps Mr. Smith and some of his staff in the Fisheries Division for a letter to be prepared for Mr. Angelle's signature and later forwarded to the Department of Public Works.

THE CHAIRMAN: Gentlemen, I support with all sincerity this recommendation, because I think



something should be brought to the attention of the Commission and perhaps of the press. Our vice-chairman has before the public a move to try in some manner to build a float trail down the Calcasieu River. Now the turning of this water through the Calcasieu River by way of the Manigan Canal will enhance that quite a bit.

Being appointed to the Trails Commission by the Governor, I have started a movement that will correlate with his movement, and I really believe that if the Commission sees fit to go along with this recommendation we can help the recreational purposes of Louisiana and perhaps we can help the tourist attractions of Louisiana with a canoe trail down the Calcasieu.

MR. LAFLEUR: We do know, Mr. Chairman, that the operation of the barrier which began in September, 1967, has provided for a more dependable water supply of adequate quality or acceptable quality for the rice irrigation that goes on on the upper end of the Houston River or the west fork of the Calcasieu. Now what we would be interested in is views from the fish and wildlife



people as to what beneficial effects the continued operation on an annual basis, twelve months each year, would have on that fisheries resource.

THE CHAIRMAN: Mr. LaFleur, the dependable source of extra water on the Calcasieu will make this man's program a reality and I think it is a good one.

Gentlemen, is there any other discussion?

MR. LAPEYRE: We might have a statement of no objection or no problem from the fisheries biologist, if Mr. Smith wants to comment on that.

MR. LAFLEUR: I mentioned it to Mr. Smith this morning but that was his first introduction to the matter at hand.

MR. LAPEYRE: You indicated there is no real absolute need to take action today?

MR. LAFLEUR: No.

MR. LAPEYRE: Should we not have for the record some statement that there is no fisheries problem?

MR. KENNETH SMITH: Mr. Lapeyre, this is fairly cold to me and there may be considerable biological consideration involved here. What I



would like to request is that I have some of my biologists who are on the scene and who know this thing much more intimately than I do take a look at it, but I couldn't just off the cuff give you a comment at this time. I would like a little time to have my people check into it, if I could.

THE CHAIRMAN: While you are there, could I ask you a question, Kenneth? Do you feel, off the cuff and without being absolute, can you see any reason why fresh water going down the Calcasieu would hurt, say, the oyster beds of the lower Calcasieu or hurt the fishing, fresh water or salt water fishing in the Calcasieu Bay or Calcasieu River?

MR. SMITH: I don't know how much water is involved, Mr. Chairman. It is a fresh water stream and fresh water going down a fresh water stream is a sort of natural thing to do.

THE CHAIRMAN: I think we are talking about a constant supply, not a great surge of water. Is that what we are talking about, Mr. LaFleur?

MR. LAFLEUR: Yes, sir. We are talking



in terms of when the water is being pumped through the Sabine, from the Sabine basin, something like 350 cubic feet per second, or if you want to convert that into common vernacular, something like 157,500 gallons a minute. Now when that water would be pumped from the Houston River, and this is a supplemental supply, it would come from the Houston River in the event of some difficulty with the Sabine River, that pumping water from the Houston into that canal would go on at the rate of about 225 CFS, or something like 100,000 gallons per minute. It is not a lot of water.

THE CHAIRMAN: Mr. Smith, understand I am not trying to argue. I am simply trying to bring out all points of this so that whenever the Commission does consider it, they will be able to consider it on a knowledgeable basis.

MR. JONES: Mr. Chairman, as I understand it, this is a source of industrial fresh water supply and there would not be a constant pumping from the Sabine, only when the industries need it. Then when the Sabine cannot provide it, they will take it from the Houston River.



MR. LAFLEUR: That is correct, but it will be a constant supply, though, Mr. Jones, because industry uses it 24 hours each day.

MR. JONES: But there is a constant take-out of this from industry, too, though.

MR. LAFLEUR: Oh, yes, yes.

MR. DUPUY: Mr. LaFleur, since you have suggested that there is no urgency on our action on this, I would like to recommend that the fisheries staff study the matter and make recommendations to the Commission.

THE CHAIRMAN: At what time?

MR. DUPUY: Let's say at the next meeting. Is that time enough for you?

MR. SMITH: Yes, that should be.

THE CHAIRMAN: Do I have any objections to that recommendation? Hearing none, it is so ordered. Thank you, gentlemen.

We are now down to No. 14, which is not applicable to today's discussion. We will skip it. Mr. McCarroll.

DIRECTOR ANGELLE: He will be represented by Mr. Brignac, personnel officer.



THE CHAIRMAN: Yes, Mr. Brignac. Thank you. You may proceed, sir.

MR. BRIGNAC: Yes, sir. Mr. McCarroll is not available at this moment. If you will look at the attachment to this proposed policy, the Commission on Governmental Ethics charged every state agency to write a policy on the use of annual and sick leave by an employee prior to his resignation or retirement. Basically, this is exactly what we are proposing to you today, the policy that we wish to establish on letting all employees prior to their resignation or retirement use up to 30 work days of annual leave.

I don't know exactly what I am supposed to propose today.

THE CHAIRMAN: I am sure you want to propose the adoption of this policy. The policy has to be adopted by the Commission.

MR. BRIGNAC: Right, that is correct.

DIRECTOR ANGELLE: Mr. Chairman, let me just elaborate a little bit on this. At a staff meeting about three weeks ago, this was brought out, and there was unanimous agreement of the



Division Chiefs that the 30 days of annual leave, working days, prior to retirement or resignation would be the proper number of days as it fits the department's working. This was their recommendation. The policy is now committed to writing and it is up to the Commission now to either adopt it or modify it in their best judgment.

MR. DUPUY: Mr. Angelle, do you recommend it as written?

DIRECTOR ANGELLE: I agree with the recommendation, yes.

MR. DUPUY: I so move, Mr. Chairman.

THE CHAIRMAN: You have heard the discussion and the recommendation, and we have a motion by Mr. Dupuy. Do I have a second?

MR. LAPEYRE: Second.

THE CHAIRMAN: And a second by Mr. Lapeyre. Is there any further discussion? Hearing none, are you ready to vote? Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)



MR. THOMPSON: I will abstain since I have been out of the room.

THE CHAIRMAN: One, two, three, four. Having a quorum, the Chair votes aye. It is so ordered.

(A copy of the policy statement adopted above is appended hereto and made a part hereof.)

THE CHAIRMAN: All right. Now, the next part of the agenda comes under my name. I have a letter from the Secretary of the Louisiana Wildlife Agents Association, asking that we support a move in their efforts to receive the supplemental pay that the Constitution gives to the state police and enforcement people.

Mr. Director, do you have any statement you would like to make before I call on Mr. Singleton?

DIRECTOR ANGELLE: No.

THE CHAIRMAN: Mr. Singleton, please come to the mike.

MR. J. A. SINGLETON: Mr. Chairman and



Members of the Commission, Director Angelle, it is a pleasure and a privilege to be invited here to appear before this body to make this short request. There may be a couple of Commission members here that don't know me personally, and for their benefit, I would like to say that my name is J. A. Singleton. I am an Enforcement Agent II with the Enforcement Division, working on 17 years now. I am also president of the Wildlife Agents Association, which we formed some two years ago to work toward the welfare of wildlife agents.

Gentlemen, if you will follow me here with the little handout you just received, on the first page is an excerpt from the new Constitution. It is Article 10, Section 10, in the second column at the top, and you will notice that it is blocked out in red. This is the real meat of the article as far as the agents are concerned. This gives the state legislature the authority to grant supplemental pay to wildlife agents or rather to enact laws granting supplemental pay over and above the civil service pay plans to all state policemen and wildlife agents, or rather, as it refers to in the



article here as "regularly commissioned officers of the Louisiana Wild Life and Fisheries," and, of course, this simply means, as you know, wildlife agents.

This is our request, gentlemen, the long and the short of it. We would like to request the Commission to take whatever action is necessary to back this effort on the part of the Agents Association to go to the legislature in the earliest session possible. I don't know if this will be possible in this special session. If it is not, then, of course, we would hope to get it up in the May-June session, but at the earliest possible date we would hope that this Commission would see fit to pass a resolution by this body here, urging and requesting the Louisiana legislature and Governor Edwards to enact legislation that would provide \$150 a month supplemental pay to all wildlife agents who are qualified under this Article.

I suppose you would like for me to offer some justification for this request, and I would like to try to make one point here by asking you to turn to the second leaflet there. There is a



copy of a survey by the National Wildlife Federation. It was revised March, 1974, so I think you will have to assume it is still current. On Page 2 there of that particular leaflet is the chart whereby you can see that all of the 50 states plus some other countries list the beginning and ending salary for wildlife agents or game wardens and supervisory agents, conservation directors.

We have underlined Louisiana there for your convenience and circled the figure there with red and we have also underlined West Virginia, which showed that West Virginia is No. 50 out of states, but you will notice that in passing Louisiana is No. 49. I feel like these are good figures because they were obtained by the National Wildlife Federation, certainly a recognized organization.

We simply feel that with all of the gas and oil and natural resources that our great state has and enjoys that possibly Louisiana could do just a little bit better for our enforcement agents.

One other justification that I would like to offer would be on the next page, which is an excerpt from the United States Constitution, and



the important parts are underlined here in red. This simply provides that in the case of U. S. Game Agents, federal game wardens as they are sometimes referred to, were faced with an uncontrollable time situation. There was no way that they could be regulated to an eight-hour day or 40-hour week, so there was an exemption made in their case whereby they could be paid anywhere from 10 to 25 percent of their basic salary and overage to be called premium pay. This is in exchange for the extra hours and the extra inconvenience that they suffer for doing their work. They started off, of course, with the 10 percent and a year later went to 15, two years later went to 20, and I understand now all 155 of the United States Game Wardens are receiving 25 percent of their basic pay over, above and beyond their U. S. Civil Service provision. Of course, this simply means a federal agent with a salary of \$1,000 a month actually comes out with \$1,250 a month. He has \$250 a month extra pay, but they don't consider the hours. They work whatever hours are necessary to work. We feel like this is just a small point



of justification.

I would like to point out in the case of Louisiana Wild Life agents, while we all recognize, Colonel Hogan understands and all the supervisory personnel certainly recognize that we as a division are under obligation from the Civil Service Department to contain our work within an eight-hour day and a 40-hour week. I may be out of school here, but I must say that we are doing this on paper, but on paper only. There is no way on God's green earth that a dedicated game agent or game warden can perform the duties that the public -- not necessarily the department but the public -- requires and demands of him. There is no way he can go out and make an eight-hour day and walk in the door and hang it up and say, "Well, I am finished until eight o'clock tomorrow morning." There is no way, because simply wildlife agents receive their calls of complaint at their homes. They are not directed to the District offices or to the Sheriff's offices like state police. All these other police officers have private unlisted telephones and when they finish their shift, they are off. They are



completely off, but with wildlife agents, our homes act as you might say a public information center. They also act as headquarters for receiving complaints from the public and if there is one thing the public doesn't want to hear, that is to call and say, "Agent Singleton, there are a couple of violators in my field, in my soybean field, trying to kill a deer. I would like for you to get out here and do something about it." The last thing they want to hear is for you to say, "I have already finished my eight hours, Mr. Jones, and I am sorry but I can't do it, but I will be out there at eight o'clock tomorrow morning." Well, now, eight o'clock in the morning won't get it.

Our work is of the nature that it has to be responded to right at that particular time.

MR. WILLE: I don't think you have to convince me as a Commission member on your feelings on this thing. I most definitely think that the supplemental pay endorsement by the Commission, as far as myself as a Commission member is concerned, and I think there will be some other Commission members that will go along with me, and we do.



think that you are doing a fine job. I wasn't trying to cut you short or anything, but I think you convinced everybody without going any further.

I would like to make a motion that the Commission make a resolution in support of the supplemental pay for the wildlife agents. Secondly, I would like to make a motion that the Commission also make a resolution that there be a percentage annum increase for the rest of the Commission people that we have here. I know that we are trying to keep everybody not to say happy but, as we know, all our biologists and our people who are working in the field do enforce the regulations along with the agents. I have been along with biologists and I think that every biologist that is dedicated that I have been out with would just as soon write a man up the same way an agent would.

I think that the resolution I would like is to make a motion that the Commission go in full support of the wildlife agents' supplemental pay, No. 1, and No. 2, I think that I would like to attach to that motion that we recommend that we give a pay increase to the rest of the Commission



people that work within the Commission, because everybody is grossly underpaid and they have got to be dedicated to do this job, there is no doubt about it.

MR. JONES: I will second it.

THE CHAIRMAN: Gentlemen, you have heard the discussion and the request from Singleton, the move from Mr. Wille, seconded by Mr. Jones, encompassing two projects, two motions, really. One, that we go along with this request, support the request, and that we extend this request to cover -- did you say all other members of the Wildlife Association?

MR. WILLE: Employees of the Commission. I am sorry, Mr. Chairman. I should have clarified that. Employees of the Commission. We can make it in the form of one motion, but I think that we definitely should go on record with a resolution supporting the wildlife agents, in their endeavor to get the supplemental pay, No. 1. No. 2, that we send a resolution forward to the legislature for an increase for all Commission employees.

THE CHAIRMAN: Is there any discussion?



MR. THOMPSON: Yes, I would like to discuss it.

THE CHAIRMAN: Mr. Thompson.

MR. THOMPSON: I think I realize full well what Mr. Wille is saying and I certainly am in accord with both of his motions, but by way of explanation, I think, Jim, what he is gathering together in this motion is the fact that all Louisiana Wild Life and Fisheries personnel are called on over and beyond their ordinary day. I know that personally I call people at home at night, just as I call you, and so forth, and that he is including them for this same reason.

Certainly your position doesn't need to be substantiated because it speaks for itself, and I wholeheartedly agree and would like to call for the question and vote for both motions favorably.

THE CHAIRMAN: The question has been called for. Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.



DIRECTOR ANGELLE: Mr. Chairman, Mr. Berry had to leave for a few minutes and is expected back and as he left, he asked that he be recorded as voting yes for this resolution.

THE CHAIRMAN: Thank you, Mr. Director. You are right on your toes. I have a note here from Mr. Berry and we should record his vote yes for this motion. Thank you.

MR. SINGLETON: Mr. Chairman, would you allow me to say just one word before I leave here?

THE CHAIRMAN: Yes.

MR. SINGLETON: The reason that I didn't mention other Commission employees is due to the limitation of the Constitution article. It is limited to wildlife agents of the Enforcement Division.

MR. WILLE: Jimmie, I am not asking for the rest of the Commission to get supplemental pay.

MR. JONES: I would like to clarify it, too. What the article does is it gives the Civil Service Commission the authority to determine what the salary is going to be and then it says that nothing in there shall prohibit the legislature



from setting a supplemental pay, and the reason for that is that the legislature attempted to do that with the state police and the courts said you couldn't do it, you didn't have the authority.

So, the Civil Service Commission could grant supplemental pay for biologists or boat drivers or anybody else they wanted to.

THE CHAIRMAN: Well, when they said "law enforcement officers of the Wild Life and Fisheries Commission," we have biologists and we have refuge managers and refuge workers that are enforcing the law as strictly and maybe sometimes with more vigor than some of our agents. Therefore, I think that the man's position is quite reasonable.

MR. WILLE: Jimmie, let me say one other thing before we finish. This is going in the form of two separate resolutions. In other words, you are getting what you are asking for.

MR. SINGLETON: We thank you for any consideration you might give our request.

MR. WILLE: Unanimously the Commission has agreed to support you on your supplemental pay. Now we are going to turn around and ask that we



also get a raise for the rest of the Commission members. That is all I wanted to let you know. Thank you, Jimmie.

THE CHAIRMAN: Gentlemen, I had intended calling on our Enforcement Chief but since the question was called for, I had no alternative except to call for a vote. Now, with that explanation, Chief, do you wish to say anything? You understand why I couldn't call on you before we took a vote.

CHIEF MICHAEL HOGAN: Mr. Chairman and Gentlemen of the Commission, you will have to bear with me. I am about to lose my voice.

There is no question about it that all personnel in the Louisiana Wild Life and Fisheries need more money in these times of high inflation. The Director, I am sure, will bear me out when I say that we are having a more difficult time all the time in getting the type of men we want to enter the enforcement field with the department, due to the low salaries. So, for those reasons, I am wholeheartedly in favor of anything this Commission can do towards raising the salaries of the members



of the Louisiana Wild Life and Fisheries Commission.
Thank you.

THE CHAIRMAN: Thank you, Chief. Now we are down to other business. Mr. Director, you have No. 17.

DIRECTOR ANGELLE: I think it is going to be handled by Mr. Thompson.

MR. THOMPSON: By Mr. Dupuy.

THE CHAIRMAN: By Mr. Dupuy. O. K., Mr. Dupuy. Thank you, sir.

MR. DUPUY: Mr. Chairman, there have been several publications that have recently been completed and distributed to the general public that have borne some errors in the recognition page of the booklets, publications, much to the embarrassment of some members of the Commission and, of course, to the Commission as a whole.

In order to avoid the possibility of that kind of occurrence again, I feel that it would be a good idea that we adopt a policy on Commission publications. In that regard I would like to offer for consideration the following policy, that all books, brochures, and other publications,



the LOUISIANA CONSERVATIONIST, shall show the seal of the State of Louisiana, under which shall appear the name of the Governor, this to be followed by the name of the Commission, and below that will be named and listed the members of the Commission. The first name will be that of the Chairman, followed by that of the Vice-Chairman, and both are to be identified by their title and position on the Commission. The remaining five members of the Commission shall be listed alphabetically and not according to length of tenure on the Commission. Thereafter, where applicable, the Director, Assistant Director, Executive Assistant, Division Chiefs and so forth in whatever proper procedure and in whatever manner should be appropriate for the particular publication would thereafter be listed.

In the case where a book is published by the Commission, the names of the members of the Commission initiating preparation of the book shall be listed and so designated; the names of the Commission as existing when the book is published shall also be listed. Any changes in this policy for publication shall be submitted to all



Commissioners for approval.

This is the suggested recommended policy for Commission publications. I so move, Mr. Chairman.

MR. LAPEYRE: Second.

THE CHAIRMAN: You have heard the reading of the recommendation of policy. It has been moved by Mr. Dupuy and seconded by Mr. Lapeyre. Any discussion? Changes? No discussion. Those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

All right, that brings us down to No. 18.
Mr. Director.

DIRECTOR ANGELLE: I think it would be proper, Mr. Chairman and Members of the Commission, that the Commission would go on record in authorizing the Chairman and Board Members to attend the First Annual Waterfowl Symposium sponsored by Ducks, Unlimited, to be held in St. Louis in February. A number of our staff people hope to be



able to attend this symposium, and I think from the information, the invitation that I have read, it would be most advantageous to Louisiana Wild Life and Fisheries Commission if some of the Board Members, especially our Chairman, could attend. I think there should be authority from the Commission duly in session today, as I will have to get further authority from the Division of Administration to allow this to happen.

THE CHAIRMAN: You have heard the recommendation.

MR. JONES: So move.

MR. WILLE: Second.

THE CHAIRMAN: It has been moved by Mr. Jones, seconded by Mr. Wille. Is there any discussion? Hearing no discussion, those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

That brings us down to No. 19. Who shall handle that, Mr. Director?



DIRECTOR ANGELLE: This was discussed yesterday and discussed between Commission Member Mr. Jimmie Thompson and Mr. Dan Greene of the press and myself. I don't know if we need any further discussion on it. It was placed on there in case somebody might want to bring out any questions.

THE CHAIRMAN: Just pass it up? All right.

Now we have the setting of the January meeting, which is the last Monday and Tuesday of January. That will be the 27th and 28th. Please note, gentlemen.

This completes the first part of our agenda today. We are ready to start on our public hearing, and I think it is in order to ask Mr. Angelle to conduct this hearing, since he is the man that is going to be most closely connected with it. We will take the hearing on the oyster canning first, Mr. Director.

DIRECTOR ANGELLE: Thank you, Mr. Chairman. I have already delegated that authority to the assistant director, Dr. St. Amant.

THE CHAIRMAN: Thank you for delegating



the authority.

DIRECTOR ANGELLE: Let me make an announcement, Mr. Chairman and Members of the Commission. This will involve the Commission members and people in the audience. About ten o'clock I received a call from a number of legislators who are members of the Natural Resources Committee of both the House and the Senate that want to be here at the time that the guaranteed loan program public hearing takes place. They have left at ten o'clock and they are on their way. They are not expected here until about 11:15 or 11:30. I did tell them, however, that we were moving right along with our agenda this morning, and that apparently the people involved in the oyster industry had gotten together and there would not probably be too long a discussion and that we would probably have to recess and call the Commission back in.

I have made that information available to the Chairman, and he has agreed that if we do complete the hearing on the moratorium on oyster sizes that we may have to recess for a few minutes and wait for these legislators to come in because



they do want to be here with the shrimpers that are here to listen to the adoption or the consideration of the guidelines and rules with respect to the administration of the guaranteed loan program. I thought I would just pass that on to you for your information.

Doc, do you want to go ahead and handle the public hearing on the request of the Shrimp Cannery Association that the Commission adopt a moratorium on the size limit of oysters used in canning?

DR. ST. AMANT: Mr. Angelle, Members of the Commission, ladies and gentlemen, this is the first time we have attempted this and we are going to try to develop a procedure that will meet the requirements of the Act as it stands.

We have a number of people here that are interested in the proposal that first, as I understand it, was proposed by the American Shrimp Cannery Association with respect to oyster sizes where we could take action under the new law giving the Commission the right to change the size limit on oysters at the request of the industry and upon



concurrence by the technical staff of the Wild Life and Fisheries.

We also had in the making a similar request from the Oyster Growers and Dealers Association, which was slightly different. We asked these two groups to have a meeting and determine whether or not they could come up with a joint or a single resolution. It is my understanding that these groups have met, that they are in accord in the proposal that will be presented. I think probably the correct procedure here would be to have Mr. Buquet, who requested of this Commission last time, to state his request and the proposition from the American Cannery Association. I understand there is a resolution and when it is time to bring up the resolution, I would suggest that that the President of the Oyster Growers and Dealers Association present the resolution. If it is the only resolution and there is no opposition from any other quarter or any corrections in this resolution, then I would assume that this is all that would be necessary.

In that case, I would suggest that Mr.



Buquet take the floor.

MR. A. J. BUQUET: Thank you, Dr. St. Amant. Gentlemen of the Commission, I presented the resolution adopted by the American Shrimp Cannery Association to you at your last regular meeting, and I don't think that you would want me to do that again.

What the resolution amounts to is simply the fact that we are asking the Commission that between the first day of January through the 20th of May that a moratorium be set on the size limit of oysters, which means no size limit, period, and whether they be used for canning or any other purpose, just a moratorium on the size limit of oysters, and that the word "canning" that you have on your agenda be left off, please, Mr. Director.

Then in the meetings with the Louisiana Oyster Dealers and Growers Association, a similar resolution was adopted which the American Shrimp Cannery Association will have no objection to their changes.

Thank you very much, and if you want me to answer any questions, I will be happy to do so,



MR. DUPUY: Say the dates again, Mr. Buquet.

MR. BUQUET: Our recommendations were from January 1 to May 20, which is your legal closing. May 20 is the legal closing of state leases, regardless, and that was what our recommendation was. They are going to present a different date, which is not important or any great factor in our deliberations.

MR. DUPUY: Thank you.

DR. ST. AMANT: If Mr. Vujmovich will come up, I think that this will be, as I understand it, the resolution that is their compromise resolution and represents the unanimous thinking of these people who have discussed this thing.

MR. PETER VUJUNOVICH: Mr. Chairman and Members of the Commission, we had a meeting on December 2, 1974, of the Louisiana Oyster Dealers and Growers Association, and its membership decided that I as its president should submit to the Louisiana Wild Life and Fisheries Commission the following resolution that has the full concurrence of the Louisiana oyster canning industry.



"RESOLUTION. That the season of taking oysters from the state-owned natural oyster reefs be closed on April 15, and that from January 1 to April 15 there will not be any size limitation on the oysters taken from the said state-owned natural reefs."

Thank you.

DR. ST. AMANT: Are there any other people in the audience that would like to either make a statement or counter-proposal or have anything that they might say about this proposed action? Would you please come up, state your name and your affiliation, who you represent, for the record?

MR. L. P. MARTIN: I am Mr. L. P. Martin from Raceland. I have no objection on the canning proposition or proposal. All I am interested in is inquiring about sacks. The no limit size on sacks is hurting us very bad, so that is the only objection I have on that, what can be done about the sack deal.

MR. THOMPSON: I don't quite follow you.



You have no objection to this that has been presented. You are talking about something else, the size of the sack that the oysters are put in?

MR. MARTIN: No, the size of oysters being put in the sacks. I have no objection of them on the canning deal size.

MR. THOMPSON: In other words, you object to the size of the oyster being put in a sack to be sold as shell oysters.

MR. MARTIN: In other words, I object to the size limit over the boat. See what I mean? I am not objecting over the canners but over state-wide, you see?

MR. THOMPSON: What is your recommendation?

MR. MARTIN: I mean that we should follow the law of three inches on up, like it is stated now, you see?

MR. LAPEYRE: Only on sack oysters?

MR. MARTIN: Only on sacks, not on cans, you understand? I have no interest in can. I don't know whether it is good or not. I mean I am not in the canning process, you see. I am strictly



in sacks, you see.

MR. THOMPSON: May I ask why? It seems everyone else is in accord. What is your objection? Will you explain your objection? What is the problem?

MR. MARTIN: The problem is that in sacks they put too many small ones in the sack, they put under three inches, and it creates a problem. We can't get them shucked. We pay for oysters that are thrown away. That is the only reason I mean, that we are paying for stuff that we cannot use and getting thrown away.

MR. THOMPSON: Well, I am not clear again. Are you a purchaser of sack oysters? You are not a --

MR. MARTIN: I am strictly sack oysters.

MR. THOMPSON: In other words, you are a purchaser?

MR. MARTIN: Yes, sir. I am a purchaser of sack oysters, and the only thing I am asking is if we can get any protection on size limit on sacks.

MR. THOMPSON: I just didn't understand whether you were an oyster grower, producer, or



what.

MR. MARTIN: No, I am not an oyster grower.

MR. THOMPSON: But you are -- I follow -- a purchaser.

MR. MARTIN: Purchaser, yes.

DR. ST. AMANT: Thank you. We will discuss this. Your name, sir?

MR. JOHN MARTINEZ: John Martinez, and I am on that same issue he is on. Now I am a grower and I catch them for a living. Just like he said, the small oysters going in the sack, that is flooding the market on good oysters. Now we catch good oysters and can't get rid of them. Now the man at the shucking house, they have got the people that are going to shuck these little bitty oysters, fine, he is making a bundle. You know, good for him. But I am for the little man that ain't got the shucking house, you know, got to try and hustle the oysters off, and that is what he is getting at, the same thing, the little oysters in the sack. Thank you.

DR. ST. AMANT: Gentlemen, this appears



to be an economic thing rather than any technical or biological thing. What is being stated here as best I understand it is that in order to sell the oysters, the quality of the oyster involves not only its condition itself but the size of it when it gets on the market. There are some people here who are contending that oysters that are sold in the raw state by sack can maintain a high quality and a better price if some type of size limit is maintained on them.

I think that this is a question that needs to be resolved in the industry. However, it was my assumption that this had been discussed by a good many of the people.

There is also the point that the person buying the oysters can insist on a larger oyster if he wants to purchase them. He doesn't have to purchase the small oysters. The point is here that those that can use the small oyster for one purpose or another, either in the canning industry or somewhere else, are asking for the opportunity to use this oyster because they believe and I tend to concur with them that there is a considerable



number of oysters that have been produced in areas, in what we call the outside areas, because of the fresh water last year and a considerable amount of rainfall and fresh water this year, and these oysters may be lost next spring and summer if they are not harvested.

The point raised here was to offer an opportunity to preserve this production and not let it be lost to increasing salt water where we would have snails or diseases involved. I think that the people who made the proposition with respect to the resolution should have a rebuttal to this position if they would like. In this instance I would suggest that Mr. Vujunovich answer the question.

DIRECTOR ANGELLE: Doctor, what areas would that lend itself to?

DR. ST. AMANT: This is a very good point. The three-inch law does not apply to private leases so we are only talking about the seed ground out here where people are taking them off a natural seed ground, a natural state bottom, where you only have probably 20 percent of the oysters at any one time or any dredge that might meet the three-inch



limit and be sold as sacks, whereas the remainder of the oysters under normal conditions would either be put back overboard or be placed on a reef as seed.

MR. JONES: Doc, you wouldn't include Calcasieu Lake there, would you?

DR. ST. AMANT: We are talking about the seed grounds.

MR. JONES: No, but when you said anywhere on the natural reefs of the state of Louisiana --

DR. ST. AMANT: Just seed ground.

MR. JONES: How do we define that? Can you say "seed grounds"?

DR. ST. AMANT: It says "seed grounds," isn't that correct?

MR. SCHAFER: Yes.

MR. JONES: I would like for it to specifically exclude Calcasieu Lake so you won't have any problem. I know you all, Harry, don't want to go in and take oysters --

DR. ST. AMANT: Calcasieu Lake is handled entirely separately with a tonging situation.



MR. JONES: I know that, but I wouldn't want those fishermen to say, you know, under authority of this action we can now take under three-inch oysters, because the oysters are coming back and there are a lot of small oysters there, and they don't want to catch them under three inches.

CHAIRMAN LUTTRELL: I don't think they would object at all to including in the statement or in the request that Calcasieu Lake be excluded. Jerry, that is what you are asking for, isn't it?

DR. ST. AMANT: Well, we need to solve the first problem about the sacks and then we can talk about the areas involved.

MR. VUJUNOVICH: As President of the Oyster Dealers and Growers Association, I was in Baton Rouge when they passed this three-inch law at the last legislature meeting, and I have been in the oyster industry since I was 13 years old. The reason why we came with this proposal is very simple. The oyster law says three-inch from state-owned seed ground areas, but it does not mention anything about the man who has his own leases.



Gentlemen, as an oyster man and as a law enforcer, it would be very, very hard for the Department of Wild Life and Fisheries to enforce this law at this time of the year just on the state natural reefs on the east side of the river. It is almost impossible, because when an agent goes to the boats, they will ask me, I am fishing oysters, I am putting everything in there, two inches, three inches, four inches, everything, say, "What are you going to do with these oysters?" I say, laughing, "I am taking this to my own bedding ground and going to throw them in the water and fish them out next year."

The man leaves, I go through the locks at Empire, head toward Sulphur, sack them up and bring them to town. No violation. That is the reason, gentlemen, I stated this at our last meeting, if a man does not want an oyster under three inches in his sacks, don't buy them. That is the only solution to it that I can see. That is the only solution, don't buy the oysters. It is your money and when I go to the store and I want a sirloin steak, I pick it out; that's the one I



want. The same thing with the man in the oyster business. I have quit about 40 percent of my people that I am buying oysters from on account of they were putting too many small ones in there, and I am still doing without them. I find other people, I pay more money for it, and I am getting better oysters and my profits are improving. Instead of making less money I am making more by paying a bigger profit. There are no oysters wasted in my shop. There are no little small oysters thrown away.

Another thing I would like to add while I am here, that when the small oyster is put by the sacks, it is being wasted, but when a boat takes a small oyster and brings it to the canning factory, it is not wasted. That small oyster goes in the can. The fisherman gets paid for it.

If there are any questions, I am here to answer them.

MR. LAPEYRE: So essentially it is an enforcement problem. The Wild Life and Fisheries realistically can't be expected to enforce the size limitation.



MR. VUJUNOVICH: That's correct. The way I see it, it would cause a problem in the industry among their own selves, and the oysters are out there. They are getting fatter after Christmas. The little small oysters, if you have the shuckers to open them, you can still make money with them, but the idea is to find the man who wants to buy the small oysters.

DR. ST. AMANT: Gentlemen, do you want a recommendation from me?

CHAIRMAN LUTTRELL: We want a recommendation, Doc.

DR. ST. AMANT: Let me say a couple of things about this. First, the problem with enforcement has been one which we have never been able to cope with, because the law is ambiguous in the way it is handled. The law states that you have an area out here called the seed ground, that any oysters taken off this area and used for sack purposes or sold directly on the market or canned will be three inches or larger, but you have the right to load those oysters up, put them on a boat, and if you are challenged, all you have to say is



that they are seed oysters and I am going to plant them on my lease.

Now unless we follow this man and watch him put the oysters out on his lease, we don't know what he does with them the minutes he leaves, as Mr. Vujunovich just pointed out. Moreover, legally, if he wants to, he can take them to that lease and put them overboard and then start picking them up the next minute and be legal, because once he puts them down on a lease, they become private property and they are not the property of the state again.

This has been one of the real tough enforcement problems. The second problem is that the seed oyster area, so-called red line area, is outlined on a map. When you get out into the field, like anything else, it is very, very difficult to locate the exact line. We know approximately about where it is. Our men can check it on the map, but there are many leases right up against this line. Theoretically or legally, if the man is operating on one side of the line, he can catch any size oyster he wants and take it where he wants



to; if he moves across the line, he is illegal. This has been a serious problem.

We recommended to the industry long ago that they do one of two or three things, either set a size limit, three inches everywhere, or two and a half inches, everywhere, whether they come off a lease or they come off the seed ground or private beds. This way you would end up with a standard size oyster. The industry did not see fit to do that. They recognized that they had a size problem, particularly on these seed grounds, so they went to the legislature instead and said, "O. K., we will fix it so that we can take the size limit off in those periods where we feel it necessary."

I think this thing is experimental. I think it applies for the year 1974, or '75, really, starting January 1. I think it is an attempt through legislative action and a more liberal law where you have some flexibility to give the industry and the Wild Life and Fisheries Commission an opportunity to make a trial run at this thing. In light of this I would recommend that we try this.



If it doesn't pan out in 1975, it should be pretty obvious this thing will come up next year. This doesn't mean in 1976 there is no size after January 1. In 1976 we are on a three-inch basis right off the bat and we stay on three inches, and if it didn't work this year, 1976, January, if somebody comes in here and requests a size reduction, the opposition or whoever might question it can turn around and say, "Look, it didn't work last year. We don't want it."

I would suggest in this light that the Commission might want to consider removing this size limit in 1975 to test it out and see how it would work, because we do have some oysters that are going to be lost out there if we don't use them, and because it does encompass a second point in the resolution here that has not been mentioned too much, and that is that the season will be closed on the 15th, which reduces the amount of fishing in the area and stops fishing on our natural reefs at a time when the oysters are breeding and might give us some additional seed for next year.

I think, at the request of Mr. Jones,



that perhaps the resolution could be amended to exclude Calcasieu Lake, where we do have a special type of fishery over there with tongs only.

MR. LAPEYRE: Doctor, is Calcasieu Lake the only area in that category that you know of?

DR. ST. AMANT: That is the only area where they are not dredged. It is the only area where we open and close separately from everything else. The opening and closing over there is contingent on the health problems as well as anything else. We have to be certain that the area is clean at the time we open it.

MR. LAPEYRE: So there are no other areas that you would recommend --

DR. ST. AMANT: The only thing we should understand is that with the closure on April 15 that this includes closure in the reservations, too, that is like Bay Gardene, Sister Lake and such areas, Bay Juniph. We do not want to set up a situation here where we would have certain small areas that would remain open beyond this point.

CHAIRMAN LUTTRELL: Thank you, Doc. I saw Mr. Buquet come to the front. Do you have



anything to say, Mr. Buquet?

MR. BUQUET: Mr. Chairman, these gentlemen are perfectly right in their thinking, and I respect their thinking and respect their opinions, but there is one thing that has not been said and I am not looking for an argument with anyone, but we have been harvesting oysters since the first or fourth or fifth of September, whatever it was, this year, and 25 percent of those sack oysters that have been harvested are under three inches, period. Is that not correct? So you can't legislate to that extent. They have been in violation all the time, right?

CHAIRMAN LUTTRELL: Thank you, Mr. Buquet. Dr. St. Amant, do you have someone else you think should speak on this?

DR. ST. AMANT: Well, before the Commission takes action on this, we have a gentleman here from our sister state of Mississippi who came over to see just how we operate, and I see some other people here, and I would like to introduce Mr. Charles Lyles, who is director of the Mississippi Seafood Commission. (Applause)



Mr. Lyles is also chairman of the Gulf States Marine Fisheries Compact and was recently elected. He is new in both of these jobs but he is not new to fisheries. He was with the federal government in the statistical section both in Louisiana and on the Gulf Coast and then in Washington for a number of years, and he is well known to everybody in the industry, and we are glad to have him aboard.

CHAIRMAN LUTTRELL: Dr. St. Amant, I do not know these gentlemen, but I want to thank them for appearing here today, and I would like to suggest that someone, so we can get their names for the record, introduce the rest of the group.

MR. CRUSO: My name is William Cruso. I am president of Cruso Canning Company.

CHAIRMAN LUTTRELL: Yes, go ahead, sir.

MR. WEEMS: I am Charles Weems, Weems Seafood Company of Biloxi.

CHAIRMAN LUTTRELL: We haven't picked that up for the record, so will you make the introductions?

MR. LYLES: My name is Charles H. Lyles.



I am Director of the Mississippi Marine Conservation Commission. We have with us Mr. Charles Weems of Weems Seafood in Biloxi, and Mr. Bill Cruso of Cruso Canning Company in Biloxi, Mississippi.

Thank you, gentlemen. We appreciate the recognition.

CHAIRMAN LUTTRELL: Thank you very much, sir. Now, yes, sir.

MR. VUJUNOVICH: Gentlemen, this was our first year that we started enforcing the three-inch law, and I want to thank the head of the Oyster Division, Mr. Harry Schafer, for doing a good job. I figured it was going to be rough and it was going to be much worse. It took a little while for the people in the industry, the fishermen, to understand that we finally do have a department of Wild Life and Fisheries that is taking a little interest in the size of the oysters.

As I stated to Harry, and I state it right here, the first year was tough because the people did not understand that there was such a thing as the law. Next year in the beginning of September when the oysters are very poor and very



small, I would say this, that I will go on record suggesting that they get a little more help in the law enforcement and that so much oysters under three inch would not come to be wasted and again I say this is the people in the buyers again to try and buy as less as possible when the oysters are small and when they are being wasted.

I want to sincerely thank you for such real good enforcement. They had many, many boats sent back with the oysters dumped in the water, and this was the first time that I remember this happening in the state of Louisiana. Thank you, Harry and Joe Fisher and all the boys that done a very, very good job for the first year, and I know next year they will do what they have to do and next year will be a much, much better enforcement position than this year. Thank you.

CHAIRMAN LUTTRELL: Thank you, gentlemen. Mr. Angelle, would you have any discussion?

DIRECTOR ANGELLE: Do you feel, if the Commission would adopt this moratorium, that this would in no way depress the oyster industry in any way?



MR. VUJUNOVICH: Not right now because there is plenty of oysters. That is the reason why we asked the legislature to give you all the power so that the industry could come before you all and give our views, and gentlemen, when I present this, with the views I came here today, I would say we had approximately 85 percent of the oyster industry being represented at the meeting which was held that night and this was the conclusion that we came to, and it is strictly from year to year. It is going to be changing, because next year if our reefs are depleted, I will be the first one here asking that the law be enforced for everybody.

DIRECTOR ANGELLE: But what I am saying is that the extra oysters that will be placed on the market because of this size moratorium, you don't believe this will in any way affect the oyster industry.

MR. VUJUNOVICH: No, because, you know, it still is going to be done. It is very simple, like I stated, now the fishermen will start fishing from their own leases and they can mix the oysters



up and it is --

DIRECTOR ANGELLE: In other words, you are saying they are going to harvest them regardless of whether there is a size or not on them?

MR. VUJUNOVICH: That's right.

DIRECTOR ANGELLE: So we will be making legal what has been going on all the time.

MR. VUJUNOVICH: That is correct.

MR. JONES: Mr. Chairman, I would like to make a motion that we adopt the resolution as proposed but that we insert the words "excluding Calcasieu Lake".

MR. WILLE: I will second that.

CHAIRMAN LUTTRELL: It has been moved by Mr. Jones, seconded by Mr. Wille, that we adopt the resolution as proposed, with the insertion of exclusion of Calcasieu Lake. Is there any other discussion?

DR. ST. AMANT: One point. This resolution should also include the statement that it includes the oyster reservations as well on the closure on April 15.

CHAIRMAN LUTTRELL: Gentlemen, you hear



the request for that inclusion. Those in favor, say aye.

IN UNISON: Aye.

CHAIRMAN LUTTRELL: Opposed, no.

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, Senate Bill No. 373, sponsored by the Louisiana Oyster Dealers and Growers Association, adopted during the regular session of the 1974 State Legislature, authorizing the Louisiana Wild Life and Fisheries Commission to regulate the size limit and area closures after January 1 of each year on state controlled oyster seed grounds, and only after affording all interested parties an opportunity to be heard, and

WHEREAS, entertaining a request from the American Shrimp Cannery Association consisting of shrimp and



oyster canners of the Gulf area to remove the three-inch size limitation on oysters after December 31, 1974, indicating increased cost in culling labor and foreign import pressures would severely limit a market for Louisiana steamed oyster products, and

WHEREAS, a resolution from the Louisiana Oyster Dealers and Growers Association was also submitted requesting the removal of the size limit for economic reasons but requesting a closing date of April 15, 1975 in lieu of the previous May 20 closing date, and

WHEREAS, with the exception of some dealers, there was little opposition to these two resolutions, and with the stipulation that by law this legal undertaking will only be in effect until one-half hour before sunrise on September 3, 1975,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and



Fisheries Commission does hereby approve the removal of the three-inch size limit on all state controlled oyster seed grounds and natural reefs, with the exception of Calcasieu Lake, after December 31, 1974, and imposes a closing date of one-half hour before sunset on April 15, 1975.

BE IT FURTHER RESOLVED that Calcasieu Lake will continue to have a three-inch size limit for oyster harvesting and that the season will close on March 31, 1975. All rules and regulations of the oyster season established by the Louisiana Wild Life and Fisheries Commission at the October 31, 1974 meeting will remain in force.

CHAIRMAN LUTTRELL: Mr. Angelle, we do not have our honor guests here as yet.

MR. JONES: Mr. Chairman, are you going to recess and then take up the public hearing on the loans?



CHAIRMAN LUTTRELL: Yes, sir.

MR. JONES: I would like your permission to be excused. I am a director of a bank that will probably be making loans and I feel it would not be proper for me to sit on the Commission formulating rules and regulations where you are going to guarantee a loan to the bank, so I would like your permission to be recused.

CHAIRMAN LUTTRELL: You are excused, Mr. Jones. Your point is well taken.

Gentlemen, I have one other point to be brought up. We are not excused as yet. You are excused from participating in the bank proposition but as I had time to think over something that happened here a minute ago, I think I have something that we need to do.

Mr. Singleton made an appeal for our support on this pay increase because, of course, he belongs to the Wildlife Agents Association. Now, we have a resolution that we backed all the others, but I would like for this Commission to go on record as inviting all other people hired by the Wild Life and Fisheries Commission to come



before the Board and make the same appeal, so that we may give them our undivided support.

Now, do I hear any opposition to this recommendation?

MR. THOMPSON: Yes, sir. Yes, sir. I would like to see their representatives rather than all of them. I would hate to see eight or nine hundred people.

CHAIRMAN LUTTRELL: When I said "all," I meant a representative from each group.

MR. DUPUY: I believe our resolution includes that.

CHAIRMAN LUTTRELL: I will go ahead and clarify my reasoning for it. The other fellows are excluded from pushing for themselves because of a no-politicking clause, where the other agents are not. An invitation from this Commission to be heard would aid their cause.

MR. DUPUY: We did recommend that.

MR. JONES: I agree.

CHAIRMAN LUTTRELL: If you agree, no objection, so ordered.

We will take a recess now.



(Whereupon, at 11:30 o'clock a.m., a recess was taken until 12:15 o'clock p.m., at which time the Commission reconvened for the public hearing on guaranteed loan program for shrimpers.)

CHAIRMAN LUTTRELL: Before we proceed with the hearing, let the record show that we have a quorum present, with Messrs. Lapeyre, Thompson, Wille and myself present. Now, Mr. Director.

DIRECTOR ANGELLE: Mr. Chairman, I am pleased to note that Senator Sam Nunez and Representative John Alario are present with us now along with the commercial shrimpers for the hearing dealing with the guaranteed loan program. These men were very, very instrumental in getting this bill through the legislature. They are both members of our Natural Resources Committee. I had the privilege of serving with both of these members in the House and the Senator decided to move over to the more elite side of the Senate where he has done a real good job. I have enjoyed fishing and hunting



with both men. They are truly, truly great supporters of the Louisiana Wild Life and Fisheries Commission. They demonstrated that also at the Constitutional Convention where they supported our efforts.

We welcome you today, John and Senator, and we just hope that you maintain that position that the things we want for wildlife are things that are good for the people you represent and I know you will continue giving us that backing. Thank you very much, John Alario and Senator Nunez, for coming over.

THE CHAIRMAN: Thank you, Mr. Director.

MR. THOMPSON: Mr. Chairman, before you proceed with this hearing, there are several of us who think that we possibly have a conflict of interest. We so stated this before the meeting adjourned. We serve as members of bank boards which will be directly connected with making loans, particularly in Mr. Jerry Jones' who is absent right now area where they are predominantly in the shrimping industry.

None of us have any objections to sitting



here. I certainly don't, nor does Mr. Wille, who is also one. Mr. Berry also left. But for the purpose of clarification, I don't really know what position I sit in, but I want it thoroughly understood or I want some guidelines -- somebody tell me something, will you?

THE CHAIRMAN: Because of my necessity for a quorum in dealing with this thing that is so important for the entire state, not just the shrimpers, I have requested that these men do stay and that they do vote. Now there is no conflict of interest, as I see it, but I would like for our legal advisor, Mr. Duffy, to back me up or pull me down.

MR. PETER DUFFY: Mr. Chairman, it is my legal opinion, of course, that your position is correct. I think what we are called on today to do, the Commission is to do, is just what the legislature has mandated them to do, namely, to prepare and adopt rules for the implementation of the commercial shrimp guarantee fund or loan law, and that is what you will be doing today.

There may be times when you will be



called upon to approve or disapprove borrowers that may come to your banks, and at that time you may find yourselves with a conflict of interest, but at this time I don't think that does exist.

THE CHAIRMAN: Mr. Duffy, in that case I could always maintain a quorum, because we would excuse one man from that one bank, where he may have a conflict.

MR. THOMPSON: Well, in your first opening statement, you said yes, we were in conflict. Now you have come back and said no, in your opinion.

MR. DUFFY: Yes, I agree with the Chairman that there is no conflict.

MR. THOMPSON: O. K.

MR. DUFFY: It is a task that you have to do.

MR. THOMPSON: I have no quarrel. I just want to lay it out on top of the table.

MR. DUFFY: It is a task you have to do. It is not pleasant at times, but we have to do it. But I don't think there is any conflict. There would be a conflict if you were approving or disapproving some type of borrower going through a



bank that you sit on. Then I think possibly you should recuse yourself.

MR. THOMPSON: Well, here is a man from Shreveport who never had the most remote idea that ever he would be confronted with a borrower from this fund. I mean you just don't shrimp in Shreveport, but yet and still, the other day a man came into his office and said, "Say, what about your shrimp loans? I live in Shreveport. I want a shrimp loan." And he is a shrimper and he does live in Shreveport and he did want to borrow from his bank. Now, if that is not conflict, I don't know, but I don't want to get caught in between anything and I want it very clearly understood.

MR. DUFFY: Well, I am sure he could go to that bank and when he filed his application and it came for approval, he would have to recuse himself.

THE CHAIRMAN: I will assure you this, Mr. Thompson, that when that man from Shreveport comes in for a loan and that loan has to be approved, I will ask Mr. Wille not to vote. When he comes from Lake Charles and we have to approve



it, I will ask Mr. Jones not to vote.

MR. THOMPSON: Mr. Chairman, I yield. I will serve.

DIRECTOR ANGELLE: I didn't think we were accepting any applicants north of Alexandria!

THE CHAIRMAN: By majority vote? O. K. I would like to do something, if you people will just bear with me one other little second. I see my good friend and sometimes colleague and sometimes guidance counselor in the back, Mr. Edgar Veillon. Mr. Veillon, stand up, please. He is here all the time and he agrees with us sometimes and disagrees sometimes, but I want to hear his statement every time. I haven't had a chance to recognize him. And I believe he has with him his vice-president, Mr. Brooks. Stand up, Mr. Brooks. We are glad to have you, and when your criticism, as I told our legislators, is good, you are really welcome; when it is bad, it is still welcome.

Go ahead, Doctor.

DR. ST. AMANT: Mr. Chairman, Senator Nunez, Mr. Alario, ladies and gentlemen, this is the first public hearing we have attempted. We



did handle part of it this morning on the oyster question. We are going to try to attempt to handle this in a manner that will meet the requirements of the state laws with respect to public hearings and to promulgation of regulations.

At this time we are examining Act 14 of the recent extraordinary session of the legislature which provides certain funds that are to be allocated or used to aid the shrimp industry through a loan program and to be administered by the Louisiana Wild Life and Fisheries Commission.

The legislature has seen fit in this Act to require that certain specific regulations be set forth as to how this money will be administered and how the loans will be handled, and in order to meet this requirement of the Act, we have asked our attorney, Mr. Duffy, to confer with the Attorney General's office and through these agencies we have developed a proposed set of procedures and regulations for the application for and the administration of this funding.

I propose now to have Mr. Duffy at least briefly go over these with you, the members of the



committee in the legislature which served on this special shrimp committee, and the Wild Life and Fisheries Commission has had an opportunity to examine these proposed regulations for some time now, and it is hoped that we can arrive at an amicable acceptance of the regulations with minor changes, if necessary, and act on this today and adopt the regulations, because if we fail to act and adopt today, of course, it will postpone the effectiveness of this program for another month or so.

Mr. Duffy, would you be kind enough to explain the regulations to the Commission?

MR. DUFFY: Mr. Chairman and Members of the Commission, prior to this day you were furnished what we labelled as proposed regulations and administrative procedures for the commercial shrimp fisherman security fund, which is the recent guaranteed loan program that the legislature adopted at the special session in October.

We have conferred with Mr. Marvin Montgomery in the Attorney General's office. I have forwarded to him a copy of our proposed rules



and administrative procedures and he has reviewed them. He has made certain suggestions which I have reviewed and which you haven't had the opportunity to review and additions that I think we should incorporate. They only make it a little clearer and make certain additions that I think are beneficial for purposes of clarification. I will go over those with you.

We have been instructed by the statute, and I have carefully considered the statute and so has the Attorney General's office, and we have incorporated in these proposed regulations everything that we were required to incorporate by the legislature and a few additional things that we were able to obtain from the Small Business Administration, SBA, people. Mr. Burkhardt of that organization forwarded to us a lot of their forms that they are using in their guarantee program and we have been able to use that information and likewise incorporate it both by reference and most of the times in direct detail in the rules and regulations.

I am really sorry that we didn't have



the opportunity to have them sufficiently published in advance that everyone that is in the meeting right now would have the opportunity to have read and reviewed them and be in a position to offer any comments that they feel would be essential to bringing light to those who have drafted them and also to this Commission which will adopt them.

First of all, the regulations set forth the purpose of the fund. This was an addition that the Attorney General has recommended be incorporated in the regulations. It provides that the purpose of the loan guarantee by the Commission is to provide security for loans made to qualified commercial shrimp fishermen by lending institutions in order that the commercial shrimp fishermen may continue to operate their business as ongoing and profit-making businesses. No portion of the loan secured by a loan guarantee is to be used by any borrower for any personal pleasure or to pay any personal living expenses or debts. Any violation of these provisions, misuse of funds, or misrepresentation by the borrower in securing a loan guarantee from the Commission shall subject the



borrower to criminal prosecution by the appropriate authorities.

That is an addition that you do not have and was not given to you before. It is an addition that is recommended by the Attorney General and I feel that it is a worthwhile addition to the rules and regulations.

MR. LAPEYRE: Would you mind reading that again, please?

MR. DUFFY: The purpose of the loan guarantee by the Commission is to provide security for loans made to qualified commercial shrimp fishermen by lending institutions in order that the commercial shrimp fishermen may continue to operate their businesses as ongoing and profit-making businesses. No portion of the loan secured by a loan guarantee is to be used by any borrower for any personal pleasure or to pay any personal living expenses or debts. Any violation of these provisions, misuse of funds or misrepresentation by the borrower in securing a loan guarantee from the Commission shall subject the borrower to criminal prosecution by the appropriate authorities.



That is an addition and I recommend that it be incorporated in the rules and regulations.

Also the Attorney General made certain additions as to definitions. One such addition is in defining the Act. The word "Act" when used in these regulations refers to Act No. 14. Now, I am pretty sure it is Act No. 14, but whether it is Act 21 or 24, the correct numbered act will be incorporated in the regulations. Act 14 of the Extraordinary Legislative Session of 1974 creating the shrimp fishermen loan guarantee security fund. That is an addition as a definition and again I think it does give a dimension and a little clarity to the following regulations that will be considered and it should be added.

Another addition that they make under definitions is defining the word "borrower". A commercial shrimp fisherman who has received a loan from a lending institution as a result of the Commission's guarantee to pay the amount of the loan in accordance with the Act and these regulations in case of default by the commercial shrimp fisherman. That is a borrower. A commercial



shrimp fisherman who has received a loan from a lending institution as a result of the Commission's guarantee to pay the amount of the loan in accordance with the Act and these regulations in case of default by the commercial shrimp fisherman.

That is an addition as a definition and I think it does add clarity to the regulations.

They also define "Commission," which also might be appropriate. It is defined, "When used in these regulations, the term Commission refers to the Louisiana Wild Life and Fisheries Commission."

They likewise define "lending institution." Now this definition was actually taken from the Act itself. "A lending institution is any federal agency, federally insured financial institution or bank authorized to do business in Louisiana and which has agreed to lend money in accordance with the terms of the Act and these regulations to a commercial shrimp fisherman upon the condition that the commercial shrimp fisherman secures a loan guarantee from the Commission securing the proposed loan." Principally, it is any federal agency, federally insured institution or bank authorized to



do business in Louisiana.

That is an addition that I think is an appropriate one to incorporate in the regulations.

Finally, loan guarantee is defined, which is also an addition, as follows: "Loan Guarantee. A written pledge by the Commission that, should any default occur on the part of any commercial shrimp fisherman whose proposed loan with the lending institution has been approved by the Commission, the Commission will pay 90 percent of the total balance of the loan at the time of default, if any, or 90 percent of the total amount of the loan made to the commercial shrimp fisherman for any purpose therein authorized, whichever is the lesser."

This definition is another one actually gleaned from the Act itself, so I think it does go in adding to being more precise and should be incorporated in the rules and regulations.

The next part that I think we will just go over quickly, the regulations provide for notification to potential applicants. We are going to notify as many people as we think will be affected



to the good by this law and by the regulations of its availability. This will be done by news releases through all forms of the media and hopefully the terms and conditions will be pretty much summarized and made more clear to those who have an interest in applying for a loan under the Act.

The regulations then go on to set forth the qualifications for the loan guarantee. Now again the legislature in adopting this Act set forth basic qualifications which must be met for a person to be eligible to apply for a guaranteed commercial shrimp loan. They are set forth in the Act. He has to be a commercial shrimp fisherman engaged at least 75 percent of his time in that industry. There are certain things that he has to do. He has to supply certain information on the application form. He has got to show what his past net worth is, to see that he does qualify.

These are all detailed and they have been presented to the Commission, these qualifications. He also has to show that he has been refused a loan, an ordinary loan, from a regular lending institution, and also show that he has not



been accepted by the SBA, the Small Business Administration, under their emergency shrimp law program. He also must submit this application prior to July 1, 1975, which is the end date for all applications under this security fund.

DIRECTOR ANGELLE: He has to submit his application by the first or that application has to be approved and processed by the first, which one is it?

MR. DUFFY: I would think under these regulations it has to be submitted by July 1. The program ends by the legislative demand by I think July 31, so anything that is accepted by that time would fall within the terms of the Act, and that is what we are trying to do.

The next section of the rules and regulations deals with the application forms and it is quite detailed. However, let me say this to you. The application form that we have has been actually adopted from the one by the SBA. There is a lot of detail relating to your background, address, type of business that you are in and what type of financial background you have had. It is the same



type of information that you ordinarily submit to any bank when you go to obtain a loan. We are adopting the form because the Act requires that the forms we do adopt be approved by the Commissioner of Finances of financial institutions, and so the forms that we have attached as appendices to these rules and regulations are forms that are obtained from SBA, which is again the mandate of the legislature that our procedure and our rules basically follow that set up by SBA, and that is what we have tried to do, to follow their program basically on a state level.

The next part of the rules and regulations deals with the investigation of applications and it is rather brief. "The investigation of loan applicants shall be conducted with the least possible delay and without infringing upon an applicant's protected right to privacy or other constitutional right. Upon completion of the investigation, a report and recommendation shall be submitted to the agent authorized by the Commission to review applications. The agent shall attach his recommendations to the applications before



submitting them to the Commission for a final determination."

Applications will be reviewed, the information supplied will be checked out, recommendations of the individual employed by the Commission to do this will be made to the Commission itself.

MR. LAPEYRE: Mr. Peter, would you clarify who does the investigation which is presented to an agent authorized by the Commission?

MR. DUFFY: Probably the bank will use the same credit reference checks that they now use and we will check with them to see that that has been done.

MR. LAPEYRE: That initial investigation would not be done by any member of the Commission?

MR. DUFFY: Not as such. I think the investigation that we will be doing will be checking out the information basically that is supplied. Actually you can use any source that is available to determine the credit background of the individual, to determine his eligibility for the loan, and the reason we didn't specify anyone to do that as such is that we would like to have a little



leeway in working out the mechanics of it within the framework of the Commission personnel structure. But there will be an investigation of the applications. They won't necessarily be taken on face value.

Next, of course, if an application is approved, this communication will be directed to both the lending institution and the borrower. If it is disapproved, likewise, and the general reason for disapproval will be precisely stated.

The rules further provide certain application identification. Each application will be received and stored in alphabetical arrangement. The application will receive a separate file folder. These are the mechanics of keeping the applications on hand and also keeping a clerical idea open as to the different stages of the loan as it is processed.

We have guidelines of the powers and duties of the Commission which are also pretty much detailed and I think we ought to maybe review it since it won't take very long.

The Commission shall have the following powers and duties: to guarantee the loan of money



to qualified commercial shrimpers subject to the restrictions herein cited; enter into contracts with any federal agency, federally insured institution or bank authorized to do business in Louisiana; provide for execution and administration by any agency in No. 2 above of any loan plan guaranteed by the Commission; provide for conditions and method of payment by the Commission under its loan guarantee whenever a borrower defaults on his loan; issue loan guarantees providing an applicant his option as to monthly, quarterly or semi-annual repayment of the loan.

This is something that was provided for by the Act itself and is just incorporated in the regulations.

Provide for the collection of defaulted loans which have been paid by the Commission in accordance with its loan guarantee; perform any other acts necessary to carry out the purposes of the Act.

These are the powers and the limitations we will just briefly review. The amount of the Commission's loan guarantee on any loan made by a



lending institution to an applicant approved by the Commission shall not exceed 90 percent of the total amount of the loan or 90 percent of the total balance of the loan at the time of the borrower's default, if any, whichever is lesser. Again, this is following the scheme set forth in the Act itself.

Each loan guarantee shall be limited to a maximum of \$5,000 for any individual shrimp fisherman. The total amount of all outstanding loans guaranteed by the Commission shall not at any time exceed \$5 million. Again, this limitation is by Act.

The annual percentage rate of interest on any loan guaranteed by the Commission may not be greater than two percent above the prevailing Federal Reserve rediscount rate in effect at the time of the loan application.

The term of each loan shall not exceed ten years.

These latter limitations again were provided by the Act.

MR. THOMPSON: Peter, I am supposed to



be in the banking business, but I don't know what that rate is or anything about it. Could you tell me something about it?

MR. DUFFY: I would like to be able to, Mr. Thompson, but actually it is derived from the Act itself as adopted by the legislature.

SENATOR SAMUEL NUNEZ: May I reply?

MR. DUFFY: Sure.

SENATOR NUNEZ: That language was inserted in there at the request of Mr. Clancy (?) who represented the Louisiana Bankers Association. We had language to the effect of the prime rate, and he said prime rate is a rate that very possibly could be interpreted as a different rate by different banks, but two percent above the Federal Reserve rediscount is a rate that everybody knows what it is.

THE CHAIRMAN: Except me. What is it?

MR. DUFFY: Well, that may be so. I think we could find out what it is.

SENATOR NUNEZ: That is what the Federal Reserve sets as their prime, which means it might be different at a New Orleans bank or a Shreveport



bank or a Morgan City bank.

MR. THOMPSON: But no more than two per cent above the Federal Reserve's?

SENATOR NUNEZ: That's right. This was recommended by the Louisiana Bankers Association. I particularly was interested in the subject because I was also in the same position you are. Prime is different to different people. You might come in a bank and we say we are going to give you prime rate and Mr. Luttrell comes in and his prime is better than your prime.

THE CHAIRMAN: Correct.

SENATOR NUNEZ: So this is what clarifies the language and everybody would be at the same prime. Does that make sense?

THE CHAIRMAN: Good. That makes sense. That's good.

MR. THOMPSON: I still don't know what it is but I understand it; it makes sense and I agree.

SENATOR NUNEZ: It is a consistent figure with the Federal Reserve rediscount rate, whatever that may be.



MR. THOMPSON: That is the importance of it, that it is consistent.

SENATOR NUNEZ: And that is what was submitted by the Bankers Association.

MR. DUFFY: I don't know what it is, if you ask me the amount, but I am sure it is ascertainable.

MR. LAPEYRE: Is that established to be competitive?

SENATOR NUNEZ: It is a competitive rate, yes, sir, and that is why the Bankers Association suggested it and also to make it consistent, I think, where all shrimpers and all bankers would be on the same plane rather than having some say they are giving prime and not knowing what prime could be.

DIRECTOR ANGELLE: I think the interest of the fishermen is at heart because of the probably lower rate at that particular one.

SENATOR NUNEZ: Exactly. I think they were trying to protect the fishermen and also be consistent and uniform.

DIRECTOR ANGELLE: And try and get as



low an interest rate as possible.

MR. THOMPSON: Well, different banks have different procedures, the way they go up and down with prime. I know, for instance, at my bank we are very, very slow to raise our rates, but by the same token we are very, very slow to reduce them, so we win on one side and lose on one side, which would put on an equal basis maybe with a New Orleans bank that went up quicker and came down quicker.

SENATOR NUNEZ: This came about at a meeting where the Bankers Association was present and it was their recommendation and we accepted it as something everyone could possibly live with.

MR. DUFFY: Next the rules and regulations deal with the security for the loans. In the Attorney General's draft, after considering ours, there are certain changes, but only as to description of the institutions. For instance, in my draft I call them "all lenders," and in their they call them "all lending institutions." As far as the substance of each regulation, it is the same.

This is that part dealing with the



security for the loans. Now this is what the shrimper will actually have to give to the bank to obtain his guaranteed loan.

"All lending institutions shall require the borrower to give either a first or second mortgage on the following: shrimping vessel and appurtenances; shrimp nets; and any other equipment used by borrower for commercial shrimping.

"The lending institutions shall require such other collateral as the borrower has available to be used as additional security on the loan.

"All lending institutions shall require the personal endorsements of corporation principals where corporations receive a loan secured by the Commission's loan guarantee."

MR. LAPEYRE: This is where I -- because the description of a commercial fisherman seems to be a person, and this indicates that a corporation can borrow money under this Act?

MR. DUFFY: I think you will find, I don't know how prevalent it is or how extensive it is in the industry, but an individual can incorporate himself and you might find some



shrimpers that have done that to obtain the limited liability aspect of corporations.

MR. LAPEYRE: Oh, I see, yes.

MR. DUFFY: And rather than preclude being able to lend to corporations by just naming individuals, I think it is the better practice to incorporate the broader scope rather than the narrower.

MR. LAPEYRE: A corporation is entitled to a single loan, is that correct?

MR. DUFFY: That is correct. They would be able to. Of course, in doing so, the principals of the corporation, the stockholders and the officers would have to endorse the loan personally unless such requirement is waived by unanimous consent of the Commission. Now again that gives the Commission the power to waive that requirement that all the principals of the corporation endorse the loan personally, but again it is something that can be an exception.

MR. DUFFY: Are you saying that we could waive that requirement and each member of this corporation could receive a \$5,000 loan, or just



one \$5,000 loan for the corporation?

MR. DUFFY: No, it is just saying that when a corporation applies for a loan, then all the principals have to sign on that note and then will guarantee it. What I am saying is that this regulation says that this Commission has the right to waive the requirement that the persons or principals of the corporation endorse personally.

THE CHAIRMAN: It deals with the signatures only?

MR. DUFFY: That is correct.

"All corporation applicants shall file a complete list of stockholders together with their addresses and number of shares held. Such information must be filed prior to the approval of the application by the Commission and must also be filed annually thereafter until the loan is paid."

Again, I think the references we are making here are pretty much directly involved in the Act itself.

"There shall be a full disclosure of relationships of the applicant and the lending institution with all state officials and with



the employees and members of the Louisiana Wild Life and Fisheries Commission. Said disclosure shall be made in the application or on an accompanying form."

That simply means that if there is any relationship that exists that you all might feel might cause a conflict of interest and you are determining whether the application should be approved or not, that this is just made known to afford you the opportunity to withdraw from consideration or from the judgment.

Now the next sections deal with the loan guarantee.

"Upon approval of an applicant's application and the proposed loan contract between applicant and the lending institution, the Commission shall bind itself to guarantee the loan subject to the limitations listed in the Act and the regulations herein by issuing a duly executed loan guarantee form to both the applicant and the lending institution."

Now, again, the guarantee form that we are talking about is a form that has been obtained



by reviewing the SBA forms and we just made the necessary adoption and inclusion in these regulations. It is the same basic form that they use in their guarantee.

"The loan guarantee shall provide that upon the borrower's default and upon due notice to the Commission by the lending institution, the loan shall be paid in the amount and under the limitations as prescribed herein.

"The loan guarantee shall provide that upon the payment of the loan by the Commission in the maximum amount allowed, the Commission shall be subrogated to that extent to the rights of the lending institution and against the borrower's collateral and personal assets.

"Any payments made by the Commission under its loan guarantee shall be made from funds appropriated by the legislature out of the Commercial Shrimp Fishermen Loan Guarantee Security Fund after the Commission has certified that a borrower has defaulted on his loan."

O. K. Now, are there any questions with respect to that, or are there any questions at all



up to now?

FROM THE FLOOR: The 75 percent of the time for fishing. What do you call 75 percent of the time? 75 percent of the year?

MR. DUFFY: Well, it would be 75 percent of your active time, even daily, you know.

FROM THE FLOOR: 75 percent of the previous year?

MR. DUFFY: It could be that. Whatever your income is, I think it would --

DR. ST. AMANT: Please come up and ask that question and give us your name so we will have a complete record.

MR. WILSON MELLERY: I would like for you to define what your definition is of 75 percent of your time fishing.

MR. DUFFY: I think according to the Act itself, it is 75 percent of your income actually. Your time and income have to be gotten from commercial shrimping.

MR. MELLERY: Also I would like some kind of definition of the use of this money when you borrow it, what you can use it for.



MR. DUFFY: You can't use it for any personal obligations at all or any personal pleasure. It has got to be completely used to re-outfit or take care of a business interest in commercial shrimping. It has got to be directly related to the use of your commercial shrimping operation, either buying equipment or setting up some type of reserve to use later on for equipment to be replaced, but it has got to be directly connected with your business. It can't be personal, personally applied in any way, paying your own personal bills or anything like that. It can be used in paying bills that are directly business-connected in your commercial shrimping operation.

MR. MELLERY: Also, what would be used to prove that you are a commercial fisherman 75 percent of the time? Would it be tax or --

MR. DUFFY: It will be basically your income tax return and any other financial data that you can supply with your application to the lending institution, the bank, that will show that 75 percent of your income is derived from commercial shrimping.



SENATOR NUNEZ: Could I add something to that?

THE CHAIRMAN: Come on up here, Senator Nunez, if you will, please.

SENATOR NUNEZ: The reason why, after extensive hearings, that we did put 75 percent is that many of the shrimpers and the legislators felt that they didn't want anyone who drags a net or has a license as such and maybe devotes 25 percent of his time and has a carpenter job on the side or works in one of the oilfields seven on and seven off, we didn't want those people to be infringing upon what we thought was something to help a commercial fisherman. That is the reason behind that and I thought I would bring that up.

That is mainly the input we got from organizations like you have, Wilson, and people who told us that this had gone on in the past, and we wanted to describe a commercial fisherman as one who earns, and we picked 75 percent, and we thought that was pretty indicative of a man who is working maybe full time as a commercial fisherman.

REPRESENTATIVE JOHN ALARIO: May I say



something in answer to the question the gentleman asked?

THE CHAIRMAN: Certainly, feel free.

REPRESENTATIVE ALARIO: The use of funds again, as I appreciate it and as we set it up in the Act, was to allow the fisherman, if he had borrowed some funds, let's say, to continue when the shrimping season was bad, to pay off the suppliers where he buys his nets or his twine or so forth. If he has got those loans outstanding, or if he went to the bank to borrow funds to continue his operation, certainly these monies could be used to bring those loans up to date.

MR. DUFFY: Any expenditure that would be directly connected with this commercial shrimp operation as opposed to a personal obligation that you might have. That is correct. There is no limitation that we have incorporated in our regulations.

FROM THE FLOOR: But you can't use the funds and go and buy an automobile?

MR. DUFFY: No.

SENATOR NUNEZ: I don't know whether you



want to stimulate a discussion, but I think you want it for your own records and I think some of these people will bring it back to their organizations. We purposely avoided putting in any strong restrictions in this Act, because if you go through the whole series of events that brought about the reason for the Act, it was because some people found themselves in a financial plight, and we don't want to put too strong restrictions that he can only buy trawls et cetera because some people might need it to actually live on. I think if you will notice the Act, this was discussed in the committee hearings and it was discussed extensively on the floor of the House and the Senate, to put some strong restrictions, and we decided against those because of the fact that if a man got himself in the position that this Act would be applicable to, he would probably need this money to use it besides to actually live on, and I think that was the intent of it. I just wanted to get that down.

MR. DUFFY: Let me say this now. As long as it is run through the business, for instance,



if you go the bank and you say, "I am in the shrimp-
ing business and I want to borrow \$5,000," and you
borrow the \$5,000 and you put it into your opera-
tion and you go out shrimping and you don't catch
shrimp. Of course, you are still using the money
to operate on, and out of your business you get
not only fuel for your boat but you might use it
for your living expenses and pay your salaries.

SENATOR NUNEZ: That is what I wanted
to get into, that we purposely avoided putting any
stringent restrictions in there, knowing that pos-
sibly the use of it would have to be for that
because he is not making a living. In fact, due
to the fact he needs this loan, he is in dire need
of supplemental income.

MR. DUFFY: But I think the classic
example would be, don't go to the bank and borrow
\$5,000 or open that line of credit and then imme-
diately go take a vacation to Mexico City. It
wouldn't cover that type of situation, or go out
and buy a 1974 Cadillac.

SENATOR NUNEZ: Mr. Duffy, I know you are
not in the legislature but both of those incidents



came up on the floor of the Senate.

MR. DUFFY: Oh, really? That's the only distinction we have in mind.

SENATOR NUNEZ: One was for a trip to Paris and the other one was the Lincoln, it was not a Cadillac -- but I didn't think it would cover either one of them for \$5,000!

MR. DUFFY: Are there any other questions now? Really I would like any members of the Commission or anyone who has any questions to ask, because I am familiar with the terms pretty much so and you may not be and you might want to ask something. Please feel free to do so.

MR. HARRY SCHAFER: You said something about qualifications, about a loan refused. Now that has to be a loan refused by a bank or some lending organization, and you also mentioned SBA. That is not a refusal from SBA also?

MR. DUFFY: Yes.

MR. SCHAFER: That is two refusals you have to have?

MR. DUFFY: Right.

MR. LAPEYRE: The language states



"ineligibility". Does that constitute refusal?

MR. DUFFY: It is the same thing. What I say, you have got to get some assurance from either one of these institutions that this individual is not eligible for a loan, either from the banking institution in its regular course of business or from the SBA.

MR. LAPEYRE: In order to determine ineligibility, he has to have been refused, made application and been refused?

MR. DUFFY: Yes, I think you just about have to do that.

REPRESENTATIVE ALARIO: The reason we had to write into the Act being refused by the SBA was because the people on the federal level, through Bennett Johnson's office, I think, Sam and I made a trip to Washington, and the SBA people informed us that if we didn't put that information in, then nobody could get an SBA loan in Louisiana, so it would have cut those who were eligible for the SBA loans, which I think is an unlimited amount, almost up to half a million dollars they can apply for, and therefore that was



put into this Act in order to help us out there.

SENATOR NUNEZ: It was requested by SBA. That second paragraph was requested by the SBA, that they had to be turned down, to make the person in fact eligible for an SBA loan if he was entitled to one.

MR. DUFFY: Right. All we have done actually is incorporate in the rules and regulations like you all have done in your Act.

Are there any other questions?

Now, if I may just go over the closing and disbursements of the loans.

"A lending institution shall close and disburse each loan secured by loan guarantee from the Commission in accordance with the terms and conditions of the loan guarantee and loan contract."

Now that contract basically we have gleaned from SBA as well, so it is going to be pretty uniform conditions except we are applying it to the Act that was adopted by the legislature.

"Any change in the terms of the loan after the loan guarantee has been executed by the Commission shall vitiate the guarantee unless the



new terms and conditions are subsequently approved in writing by the Commission.

"Before the Commission will issue a loan guarantee, the lending institution must furnish to the Commission for its approval a copy of all documents to be executed at the closing of the loan to be made to the applicant.

"Subsequent to the execution of the loan, the lender shall furnish a copy of the note and other documents to the Commission for its records.

"In case of default by any borrower and the payment of the loan by the Commission under its loan guarantee, the lending institution shall release the original of any document connected with the loan that it may be holding to the Commission upon written request for such release by the Commission.

"The Commission shall be subrogated to the lending institution's rights to the extent that payments made on its loan guarantee and a subrogation agreement to that effect shall be executed by the lending institution."

Again, this document was attached to our



proposed rules and regulations as an appendix.

"The lending institution shall receive all payments of principal and interest and otherwise administer the loan arrangement but shall not take any action on the loan, transfer any security or seek to enforce the loan without first notifying the Commission and securing its written consent.

"The lending institution shall not receive any fees or commissions other than those earned for actual services rendered and which are disclosed in advance, both to the applicant and the Commission.

"The lending institution shall loan the maximum amount at one time only upon a showing of good cause by the borrower. Otherwise a line of credit shall be established and each advance made to the borrower by the lending institution must be verified by the borrower as necessary to pay operating expenses or for purchase of equipment for commercial shrimping purposes."

Now again there is a limit of \$5,000 to a borrower, and what we are striving to do under



the regulations and what was intended by the legislature is to give the shrimper a line of credit up to that amount, rather than give it to him in one lump sum. He can get one lump sum but it has got to be for good cause shown to the satisfaction of the Commission, but it is going to afford him a line of credit when he might find himself going back to the bank to get additional money, although he may not be signing any more documents as such.

Are there any questions with respect to the lending institution?

MR. LAPEYRE: I don't follow that line of credit. Would you go over that again?

MR. DUFFY: In discussing with the Attorney General's office what we thought was the intent of the legislature in setting up this \$5,000 amount, an individual who applies is going to be applying for a certain amount within that limit. He may apply for \$5,000. He will not get \$5,000 unless he can for some real good cause show that he actually needs it and meets all the other eligibility requirements. He has to show real good cause for getting this one amount at one time. It can be



done.

Otherwise, if it is just a question of operating his business, it is going to be a line of credit that he will be given, and he might be calling on that line of credit at different times during the season, so it will be available to him.

Now, how that is going to be administered by the bank, it is like a collateral mortgage. You go to the bank and you give them a collateral mortgage for \$25,000 or \$5,000, and then they make you sign a hand note for two, so after you use the two or you need more, you go back and sign another hand note, but there is one obligation of \$5,000.

REPRESENTATIVE ALARIO: Won't that give the Commission problems as far as the \$5,000 limitation; you won't know exactly how much money you are giving out?

MR. DUFFY: You might have a problem in administering it because of that, but you will have a problem anyway. There is going to be a point where that amount, that limit, is achieved and applications will be turned down and the program will then come to an end until it has been paid



out in full.

REPRESENTATIVE ALARIO: The only concern I have got is that what you are saying, it appears to me that everybody applies for a \$5,000 line and then as they need it, they get it. Maybe some people only need \$1,200 now and that is the ceiling they need and there is another \$3,800 to loan to someone else, so you won't be tying up \$5,000 for each application.

MR. DUFFY: No, it won't be tied up. What I am saying is that what we are trying to prevent is a man coming and saying, "Give me my \$5,000 that I am eligible for under this loan program." We are saying that to get the \$5,000, you are going to have to show cause to get that amount. You might apply for \$2,500, and we check your background and we check what your need is, and instead of getting \$2,500, you might only get \$2,000. It depends upon what the need is and again we are just trying to make sure that the individuals, after they borrow \$2,000, they find out they need more money, they can come back and reapply for another loan.

DIRECTOR ANGELLE: John, do you feel that



meets the spirit of the legislature there?

REPRESENTATIVE ALARIO: Well, I was a bit confused but I think now I follow what he is saying in that light, like, you know, worried that we would let all the funds go out and not take care of somebody who came in and applied in April or May. It appears you are not going to be doing that.

DIRECTOR ANGELLE: No, but it appears also that we are budgeting this man's method of expending his dollars. You are maybe entitled to five but we will let you have \$1,200 now and you come back later on and show me you need another \$1,200 and we will let you have another \$1,200 and maybe later on you need another \$1,200 and we will let you have another \$1,200. I don't think it was the spirit of the legislature. What I am saying is that we are budgeting some of these people's money.

REPRESENTATIVE ALARIO: No, certainly not, and I don't see how you can do that administratively and at the same time you have people running up here every month, saying, "Look, I need another \$1,200," and they come back next month.

DIRECTOR ANGELLE: Well, I gathered from



Mr. Peter Duffy's explanation this is the way it is going to be.

MR. DUFFY: Well, what I am saying is that the intent of the regulation is not to have an applicant come and say, "Give me the \$5,000 that the legislature has granted that I am entitled to under the Act," because that is not what is intended, as I read the law. It is intended that this amount of money would be made available to them if they need it. They have got to show certain need.

Now, if this man comes in and borrows, say, \$1,200 and later on he needs to borrow some more, he shouldn't be precluded from coming back to the lending institution and obtaining more funds up to that \$5,000 limit.

MR. THOMPSON: I would look at that a little bit differently. It saves him from paying interest on unneeded money. He may borrow \$5,000 and pay interest on \$3,000 of it that he doesn't need, but it is there and available for him at a later date. That is the way I would interpret it.

MR. DUFFY: That is what the regulation



is attempting to do. It is not binding him to take \$5,000 worth of credit now and then coming back piecemeal. It is affording him an opportunity. To get the \$5,000, he is going to have to show \$5,000 cause. It is trying to limit it that way.

REPRESENTATIVE ALARIO: Well, then what you are saying is that the Commission makes a decision as to how much you are showing good cause for, and that is what the figure is going to be. It is not going to be that everybody gets \$5,000.

MR. DUFFY: That's right. He may come back and he may not be eligible then, you know, creditwise.

THE CHAIRMAN: I believe you said he may not get the \$5,000. You meant it would be made available to him, the \$5,000 would be made available to him.

MR. DUFFY: Right.

THE CHAIRMAN: And then he may use what portion he wants.

MR. DUFFY: If he shows good cause.

THE CHAIRMAN: If he shows good cause,



yes. That's the way.

MR. DUFFY: We intend that he would not get the \$5,000 unless he shows cause to get the \$5,000. If he applies for \$1,200 and has the credit background and is eligible to get \$1,200, fine. He may apply for \$5,000 and be told by the lending institution, "You know, with your credit background and your other obligations that you have, we can only loan you under this program \$1,200."

THE CHAIRMAN: If his application is approved, then it would be available, he is assured of it being available, but we can't say if his loan application is approved he will get it; he will get the portion he needs and pay interest on that portion he is using, and then when he needs more he will get that and pay interest on that that he is using. Am I correct there, Peter?

MR. DUFFY: Right.

SENATOR NUNEZ: It would seem to me the Act is pretty clear. It says each loan guarantee shall be limited to a maximum of \$5,000 for any individual shrimper. If he wants \$1,000, he gets



up to \$1,000. If he needs additional funds and he wants to come back, I guess his reapplication will allow him to go for another thousand. It doesn't seem to be too complicated to me. I think what might be confusing is the line of credit. It seems to me if I borrow four and I pay back three, I can come back and borrow three more, see. A line of credit from a bank means an open line of credit up to \$5,000 and he can always do that, and I think that was not the spirit of the law.

Do you follow me, Pete?

MR. DUFFY: Yes, I've got you.

THE CHAIRMAN: He is speaking about a revolving --

SENATOR NUNEZ: I think the legal language, I mean the language a bank uses about a line of credit --

MR. DUFFY: Well, let me say it is subject to change if anybody has any suggestions on changing the language to make it clearer.

THE CHAIRMAN: Here is a comment and I like that and I hadn't thought of it at all. He objects to what might appear to be a revolving line



of credit that could always go to \$5,000. A fellow could use \$10,000 by using two this month and three next month and paying back some and loaning some and keep going. That is what you are talking about, no revolving line of credit. A ceiling of \$5,000.

DR. ST. AMANT: The intent, if the man pays the money back, there is no reason why it couldn't be reloaned. All we are saying, does the law mean that a man can only use \$5,000 and he never gets any more money?

SENATOR NUNEZ: No, I didn't mean that at all. I just think maybe it is a matter of words we are using, but when we say "an open line of credit," it would indicate to me that you could go to the bank one day and borrow and you pay back and you keep the same application. I thought the intent was a maximum of \$5,000. Naturally, if he pays it back and is clear and we have another disaster, so to speak -- you see, I don't envision the problems you are talking about because you are talking about a July 1 cutoff date and I don't see where --



THE CHAIRMAN: I am quite interested that this be recorded for the public use and, if you don't mind, on these comments, record them for us because later someone may misunderstand and I would have the recording. Just use that, and then we will have a recording of exactly what you said.

SENATOR NUNEZ: Well, you are right. If a man gets a \$5,000 loan January 2 and he comes back here January 5 and he catches 50 barrels of shrimp and he says, "I want to get clear of debt," and he pays it off. You have to envision that he has to be financially disabled to be eligible for another loan, so what does that mean? We are talking about July 1. I don't envision we will get into a revolving credit type of thing where you have an open loan for him. I don't think that is what the intent was.

Naturally, if he pays it off and he has the same economic plight that we had, which might not be the same now, I don't know, that we had when we passed the act, the one the shrimpers had, then he would certainly be eligible to come back and make reapplication for an additional \$5,000,



encumbent upon all the rules and regulations that you have adopted.

I just think it is a matter of terminology that we might be getting confused, but I think, you know, we are saying the same thing.

MR. DUFFY: All right. This was a suggestion that initially had been made by the Attorney General, this language of a line of credit as such, and the principal thing I understood him to mean, Montgomery, was that he didn't think that the legislature wanted to give \$5,000 to everybody that applied but rather give to the individual what his needs are and how much he is eligible for.

But if that individual pays back, you know, and then finds himself eligible again, I don't think the legislature wanted to cut him off from applying again.

MR. LAPEYRE: I think this would be true even in the case it occurred after July 1.

MR. DUFFY: Well, the application has to be submitted by July 1.

MR. LAPEYRE: What about the reapplication?



MR. DUFFY: That would have to be resubmitted likewise by then. I think the whole program is going to have to be administered within that time framework.

SENATOR NUNEZ: My interpretation of the intent of the legislature was, and it reads very clearly, no new applications for loan guarantees shall be accepted after July 1, which means that after July 1, unless in the coming session we extend this program, you don't have any program. Is that correct? Whatever is outstanding, it is incumbent upon you all to collect or default or what have you. I think the cutoff date was put in there for various reasons.

MR. DUFFY: The program itself may go over ten years, not lending money but collecting money. For instance, you get a loan and you might be paying it back ten years. The banks will be collecting monies on these loans for ten years, once the last --

SENATOR NUNEZ: But there will be no new money lent after July 1, '75, unless the program is extended.



MR. DUFFY: O. K. The next section is rather important. It deals with default.

"A lending institution shall notify the borrower and the Commission in writing whenever a loan is thirty days delinquent. The Commission shall have an additional thirty days to cure the default. If at the end of the additional thirty day period, payments have not been brought up to date by the borrower, the Commission, upon written demand by the lending institution, shall mature the loan and pay the amount of the loan secured by the loan guarantee to the extent allowable under these provisions."

So, if there is a default, thirty days passes and the Commission shall have an additional thirty days to cure the default, that is, to see if they can get the borrower to make his loan current. If, at the end of the additional thirty day period, that's sixty days, then the Commission upon written demand by the lending institution must pay the guarantee that they have made. That is 90 percent of what was borrowed or 90 percent of the loan, whichever is the lesser.



"Upon payment by the Commission, it shall notify the borrower of such payment and demand indemnity prior to enforcement of its right against the borrower's security. The Commission shall immediately upon payment of the loan guarantee notify the Attorney General of the State of Louisiana, who shall be the proper agent to institute proceedings to enforce repayment of the guaranteed loan. The Attorney General shall take all appropriate steps to institute all necessary legal proceedings to collect from the borrower all monies paid by the Commission under its loan guarantee agreements in conformity with the laws of the State of Louisiana. All such funds collected by the Attorney General shall be paid into the state general fund."

MR. LAPEYRE: Are we stipulating how this collection is to be done? I mean, is the entire balance due immediately and payable?

MR. DUFFY: Yes, it will be just like any other loan that matures on demand. The entire balance is due. Now the Attorney General will enforce the collection of it by judicial proceedings. I want to thank the legislature for turning that task



over to the Attorney General! (Laughter) That could be hard, a hard job.

All right, now the effective date of the regulations.

"These rules and regulations shall become effective as provided for in the Louisiana Administrative Procedures Act and after approval by the Commissioner of Financial Institutions for the State of Louisiana."

That is an addition to the form that I sent to the members of the Commission, this effective date of the regulations. Also, I would recommend that we also include, which was not included, that the Commissioner of Financial Institutions' recommendations be incorporated in the regulations that we adopt today, rather than have to come back and again adopt new regulations.

The reason I think it is very important that these regulations be adopted today in this form or any changes that might come from the people who are in attendance here is that effective the first of January, the Administrative Procedures Act is going to be more effectively followed by agencies,



not by design necessarily but by the legislature's demand, and the notice procedures to go into a rule-making session are a lot more onerous under the Administrative Act as amended and effective on the first of January. Now you are only required to give ten days notice before a public meeting, letting the people know that you are going to adopt regulations and letting them know what type of regulations you are going to adopt, but effective the first of January, that notification is going to be through the register and there is going to be a lot longer delay, and this program I don't think the legislature wants delayed. In fact, if we hadn't given the notice required by the Administrative Procedures Act by December 10, we wouldn't get this program going until probably around February. This way we can try to get the program started before then.

Are there any questions with respect to the regulations proposed?

The Attorney General's language and changes I think probably will be that which we will suggest that the Commission in final form adopt.



REPRESENTATIVE ALARIO: On your Form E, which is an affidavit proving non-eligibility for SBA loans, I have seen a couple of letters that fishermen have received from the SBA, turning them down for various reasons. Maybe they weren't in the business for three years or something like that. Wouldn't that letter maybe suffice instead of them having to go back to the SBA again and getting a notarized statement? Would that letter do in place of this one?

MR. DUFFY: Yes, I would think so. We might have to make the appropriate addition in the rules, but we will do that.

REPRESENTATIVE ALARIO: By the hearing or by the testimony we are getting now, that might be understood and if you would make that addition that the letter would suffice, that might cut down on some red tape for the Fish and Wild Life.

MR. DUFFY: And I think that same thing could apply with respect to the bank; when you go to a bank and get turned down, if you could get something like that from them.

REPRESENTATIVE ALARIO: That's right. If



you got a letter, you know, that's fine; that should be able to do it.

MR. DUFFY: All right, we will make that change in the rules. We just won't require that an affidavit as such be given. Any written communication that the lending institution and the SBA give to the applicant will suffice our requirement of being turned down.

SENATOR NUNEZ: Those lawyers charge pretty good to have all those notarized statements.

MR. DUFFY: I am not going to say anything. I am not going to comment one way or the other on that one!

Are there any other corrections or any comments or any additions?

FROM THE FLOOR: Mr. Duffy, what is the effective date of the program?

MR. DUFFY: The effective date, as we have outlined it here, is after the Commissioner of Financial Institutions approves the forms that we are going to adopt, our loan guarantee applications and our various commitments from the institutions. Under the law we have to submit it to



him for his approval, but as soon as he approves that, then it will be effective, and any recommendations and changes on those forms that he will make, that will be incorporated in the rules and regulations.

FROM THE FLOOR: Have you any idea how long that will be?

MR. DUFFY: I really don't. We are going to try and get it going no later than the first of the year. We would like to get it going in the next couple of weeks, but I don't think we can tool it up by then. It will be by the first of the year, hopefully.

Now also the Attorney General recommended that it become effective as provided for in the Louisiana Administrative Procedures Act. If he is making reference to the Administrative Procedures Act that is going to be amended by the first of January, we are not going to go with that recommendation. I wouldn't recommend to the Commission. I think we should go immediately, if it can be done, since we have given the proper notice under the Administrative Act now; the only thing I would



recommend is that as soon as we can get the Commissioner of Financial Institutions to approve our forms and to incorporate any recommendations that he makes. That part might be deleted. I don't want to get into any delays that we might have.

Of course, we will have to publish the regulations, as required by the present Administrative Procedures Act, and we intend to do that.

Mr. Chairman, with that it would now be in order for anybody that has anything to add or detract from the proposed regulations that they be adopted by the Commission with the changes that have been recommended and also those parts that have been rewritten, at least by the Attorney General, that they be incorporated, with the one exception that I want to check out on, that is the effective date of the regulations, it being provided by the Louisiana Administrative Procedures Act now in effect as opposed to its amendment when it goes into effect on January 1, because it is going to be a different publication requirement that will be a delay, I think, and I don't think



the legislature wants to delay this program any longer than it has been delayed already.

THE CHAIRMAN: Thank you, Mr. Duffy. You recommend that we accept this. I would like to have a statement of recommendation from our legislators, please.

REPRESENTATIVE ALARIO: Mr. Chairman, Members of the Commission, I certainly want to take the time to thank you for your interest in the shrimpers loan program. Certainly your staff has done a tremendous job in gathering all the information and doing the necessary work to make this a reality.

When we wrote the six-page bill, we didn't know we would come up with 32 pages of regulations and forms, but that is maybe some of our fault in the legislature and we need to get our staff to maybe kind of direct us a little better in the future to make sure that we don't put too many burdens on you.

I think you have got all the guidelines set up in your recommendations here to administer a good loan program and at the same time to make



sure that those who are in need of this loan program would be able to get it. I would ask that you would adopt it. Thank you very much.

THE CHAIRMAN: Thank you, sir. How would you like it if I amended your statement just a little bit and say that the legislature won't accept the blame on these long regulations and just say it is a bunch of damned bankers! (Laughter)

Senator, would you like to put a statement in the record?

SENATOR NUNEZ: Yes, sir. Thank you, Mr. Chairman. I certainly appreciate the opportunity to appear here before you today, along with some of the representatives of the shrimping industry of this state. I was on the committee appointed by the Governor to help put together a program when they found the conditions in the shrimping industry had deteriorated to the point that we were losing a lot of our trawlers.

Now after extensive weeks of meetings and months of meetings, we came up with with a fairly liberal program. I want you to know that this is not the program we originally recommended,



but the legislative process being an amending process and being one where you have to deal with 105 members of the House and 39 members of the Senate from all parts of the State, this is what they have come up with and it is, I would say -- and I think we would be remiss if we let the shrimpers leave here today, Mr. Chairman and Mr. Director, Mr. Angelle, thinking this is a panacea to solve all the shrimping problems in this state. I think it is far from that. I think it is almost little or nothing, but let me tell you, it is a milestone. It is a milestone in helping the commercial seafood industry of this state.

I believe, and after talking to Mr. Pearce and the State Marketing Commission, they were vitally interested in this, that very possibly we can expand upon this in the future. We hope you don't take it that this is going to be -- I think John put it very well, it is a lot of detail, it is a new program, but if you had told me six months ago that we would have passed something like this in the Louisiana legislature, I would have told you I thought you were barking up the wrong tree.



We are here I think because we recognize, the legislature of this State recognizes, the many problems that the industry had had over the past year and they tried to do something about it. I hope that this satisfies some of the people or takes care of some of the needs that we know exist in the industry. When you take where you have to be turned down by one bank and you have to be turned down by SBA, certainly we don't think that we have gone too far, and I don't think this is going to break the state. It is not a giveaway program; it is simply a loan program, an extension of the many other programs we do, like the student loan programs, the Marketing Commission has loan programs, Agriculture, and we are just trying, we from the coastal area of this state, working with the Wild Life and Fisheries, to come up with a program that we thought would meet the need of our shrimpers and commercial fishermen, and it will be expanded upon, I am sure.

One more thing. I want to tell you this is not the end. This was only one of our recommendations. There are many others. Others are



that we -- and if you don't mind, Mr. Chairman, I will just elaborate on some of them -- that we enforce and help your department, the Wild Life and Fisheries Department, whereby they can help you further. We are trying to get the county agent concept into the department, whereby you would have some other means of communicating with your industry, such as the county agent for agriculture.

I might say here, you know sometimes you make statements, and one was attributed to me that I really didn't make in the sense that it was written and somebody attributed to me making a statement about the department that certainly I have always been a friend of this department. I think in the Constitutional Convention, in which both Mr. Alario and I served, we thought enough of the Department of Wild Life and Fisheries and its Commission that we fought very hard to include it in the new Constitution. You are one of the few agencies that are spelled out in the Constitution. So that goes to show you what myself, I think Alario, Chalin Perez and many others who served there think of this department. It is a vital



department that serves a vital industry in our community and we want to keep it that way and I want to remain a friend of it because you do do a good job and I think it is indicative today that you are doing the job the Constitution charges you with.

When I say that we want to portray an image of helping the people, I think you have that, but we want to enforce your division and give you additional funds, additional monies, additional personnel such as a complete marine laboratory where you can do the job that you are charged with under the Constitution and the many other things that we know you can do with the proper funds.

I think this is the essence of what was said the day, Burt, that that came out, but so be it. You know you and I have always gotten along in the legislature and we will work together for the betterment of the shrimpers and the commercial seafood industry of this state.

So, all I want to say is that I think the program is far from what we would like it to be. It is not a panacea to cure all the ills of



the commercial shrimpers or seafood people in this state, but it is a beginning and this is I think a milestone in legislation and in regulations by this department and I am glad to be a part of it. Thank you.

THE CHAIRMAN: Mr. Nunez, I want to make a statement. Don't feel sorry for Burt. He only works 18 hours a day out of the 24 and he has got a full six hours left to do extra duty, so go right ahead!

SENATOR NUNEZ: I served eight years in the House with Burt and certainly was very glad to see him get the job as Director. You couldn't get a better man and I just want to say publicly I think he is doing one hell of a job and so is this Commission, by the way, and all of the department.

MR. BERRY: Sammy, you and John have done such a good job of legislation for the shrimpers, I am going to get the president of the South Louisiana Contractors Association to come see you and get you to introduce a bill for us so we can get some loans!

SENATOR NUNEZ: We had a lot of questions



about that particular problem. The agriculture people, the contractors, but I think that the people realized that the shrimpers were in dire need and did something about it, and maybe we will come back and do something, agriculture-wise and otherwise, but I would be glad to handle your legislation for you!

THE CHAIRMAN: Thank you. Mr. Veillon.

MR. EDGAR VEILLON: Mr. Chairman, I would just like to say that the Louisiana Wildlife Federation does support this document. We would ask for its adoption and I agree with Senator Nunez that it is not going to solve all the problems but it is a start and it can possibly be extended or liberalized at some time in the future, and I feel that one of the most important things included in the design of the program is that it does have enough limiting factors to where only the people who truly need the loans will have them available to them. Thank you.

THE CHAIRMAN: Thank you very much. Any further discussion? We have heard the facts and we have heard the recommendations. Mr. Angelle.



DIRECTOR ANGELLE: Mr. Chairman, I was on the telephone and I want to apologize, I didn't get Senator Nunez' early remarks. I did appreciate his later remarks. I would also like to hear from Representative John Alario, and ask both Senator Nunez representing the Senate and the Senate Committee and John on the House side and representing the committee that the Governor appointed to look into these problems, and also as a member of the House Natural Resources Committee, if the Commission, if Mr. Duffy, the Attorney General and the people that have worked in putting these procedures and rules together, if we have kept the spirit of the legislature in mind basically to satisfy the mandate of Act 14. Would you like to comment on it, John?

REPRESENTATIVE ALARIO: While you were on the phone I commented. I didn't say anything nice about you, though!

THE CHAIRMAN: I want to correct that. Yes, he did.

SENATOR NUNEZ: Mr. Director, you have a public official in the audience, Mr. Molero. I



don't know if you introduced him or not. He is a police juror and he has certainly been vital in helping us put this together. He is a St. Bernard Parish Police Juror.

DIRECTOR ANGELLE: I had not introduced the man. I usually try to go with protocol and introduce the Senator and then the Representative and the Police Juror. I was going to ask the Chairman to recognize him. He has been at many, many meetings.

MR. MOLERO: I would like to say that I would go along with Senator Nunez and Representative Alario here and Frank Patty also, and I am also in full support of this project. Like Sammy says, it is a start in the right direction. It is far from being what the fishermen want but in due time I think we will all be satisfied. Thank you.

THE CHAIRMAN: Thank you. Let me make a statement. So many times we don't recognize this, that the actual lawmakers of the State of Louisiana are the police jurors. At the grass roots all the laws that affect all the people of the State of Louisiana really originate or are carried through



by our police jurymen. They are quite important and you people are, too.

I would like to say just one thing. It makes me feel proud of the State of Louisiana and it gives me hope in our future economics of this state to know that we have a legislature and a governor who are cognizant of the problems of the commercial fishermen and that they are attempting to solve these problems. I think that all of us, including our shrimpers and other fishermen, should give these men credit for their attempts and realize that we do have officials that are interested in the people.

MR. THOMPSON: Mr. Chairman, I know that you had lunch when we had that recess.

THE CHAIRMAN: I did!

MR. THOMPSON: But if I am in order, I would like to move that we adopt the recommendations that Mr. Peter Duffy has presented.

MR. BERRY: I am going to second that, quick, and call for the vote.

THE CHAIRMAN: It has been moved by Mr. Jimmie Thompson and it has been seconded by Mr.



Berry, that we adopt the recommendations of our Mr. Duffy and of our legislators. Now, those in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed, no.

(No response)

So ordered.

MR. THOMPSON: I have another motion. I would like to move that we adjourn.

THE CHAIRMAN: Now I have one other thing before adjournment and then I will take your motion.

I took a deposition in my position as Chairman at a public meeting duly assembled of Mr. Wille who was very much concerned that he get a chance to vote yes on this proposition. Now he had to catch a plane and could not stay and it is my understanding legally -- Mr. Duffy can correct me -- I have this public deposition taken by the Chairman of the Board in public meeting duly assembled, and I give it to Mr. Angelle for the record. Mr. Wille is voting yes.

We stand adjourned, gentlemen.



. . . . Thereupon, at 1:35
o'clock p.m., on Tuesday,
December 17, 1974, the regular
monthly Board meeting and the
public hearing were adjourned. . . .

Kathryn G. Chamberlin,
Reporter.



APPENDIX - AGENDA ITEM NO. 15
(See Page 69.)

LOUISIANA WILD LIFE AND FISHERIES COMMISSION

WILD LIFE AND FISHERIES BUILDING
400 ROYAL STREET
NEW ORLEANS, LOUISIANA 70130

POLICY: _____

DATE: _____

SUBJECT: Use of annual leave by employees of the Louisiana Wild Life and Fisheries Commission immediately prior to separation

1. PURPOSE: The purpose of this policy is to establish a firm and equitable plan to allow employees who leave the Commission through retirement or resignation to use their accumulated annual leave in excess of the 300 hours for which they are paid.
2. APPLICABILITY: This policy is applicable to all full-time classified and unclassified employees of the Commission.
3. GENERAL: The Louisiana Commission on Governmental Ethics, General Circular Letter #5, dated October 7, 1974, states:

"The Code of Ethics does not prohibit an employee who has accumulated in excess of 300 hours of annual leave and who plans to retire or resign from seeking and being granted leave in excess of 300 hours immediately prior to separation provided:

1. The employee's appointing authority has established a policy which permits the use of annual leave by employees prior to separation in an even-handed and non-discriminatory manner; and
2. The employee does not engage in employment during the period of time he is on leave which he would be prohibited from engaging in during his regular employment with the State by provisions of either the Ethics Code, Rules and Regulations of the Civil Service Commission, or regulations of his own Department.

The information contained hereinabove should be disseminated to all employees of your agency."

- A. Employees of the Commission who are scheduled to retire from the Commission and are eligible for retirement benefits will be allowed to take a maximum of 30 days of annual leave prior to retirement. These employees should be aware that their accumulated annual leave, in excess of the 300 hours paid as terminal leave, will be

